

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
SUB-COMMITTEE ON CORRECTIONS

In re: House Bill 471 and Senate Bill 310

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Verbatim report of hearing held in  
Senate Caucus Room, Main Capitol  
Building, Harrisburg, Pennsylvania,  
on Tuesday,

March 6, 1973

10:00 A.M.

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Hon. Anthony J. Scirica, Chairman

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CHAIRMAN SCIRICA: I would like to welcome everybody here today on behalf of the House Judiciary Committee. About six weeks ago, Chairman Warren Spencer of the House Judiciary Committee set up a permanent Sub-Committee on Corrections and appointed to that Committee 11 members of the Judiciary Committee and also some additional Representatives to serve in an ex officio capacity.

Last Thursday and Friday, most of the members of these Committees visited a number of the State Correctional Institutions and had an opportunity to meet with the staff, with the inmates, and the correctional officers. At the State Correctional Institution in Pittsburgh, Representatives Kelly, Wilt, Haskell and Rhodes were in attendance. Representatives Scheaffer, Rowe and Haves went to Huntingdon. Representatives Wagner and Hutchinson went to Rockview. Representative Wise went to Muncy. Representatives Maloney and Ruggiero went to Dallas, and Representatives Lederer, Whittlesey and Scirica went to Graterford, along with Judge Ted Smith of Philadelphia.

The purpose of the hearing today is to inform this Committee on the pre-release and furlough program which has been operating in the Commonwealth for a few years now. I think you will see before you copies of Senate Bill 310 and a companion House Bill 471, which is identical, which refers

to an agreement that was worked out last Summer in Harrisburg between the State Judiciary and the Bureau of Corrections. Senate Bill 310 is presently on the calendar in the Senate. House Bill 471 is still in Committee. In addition to these two Bills, other Bills of like or similar nature have also been introduced in both Houses.

For the first witness, I would like to call Judge Dowling of the Common Pleas Court, Dauphin County.

JUDGE JOHN C. DOWLING, called as a witness,  
testified as follows:

JUDGE DOWLING: Thank you. I want you to know I am not with the Bureau of Corrections, although it may appear that way sitting up here with these gentlemen.

I appreciate the opportunity afforded me by Chairman Sirica and the members of the Committee to discuss with you briefly my thoughts on Senate Bill 310. In essence, this Bill restores to the sentencing Court control over the offender's minimum sentence. Heretofore, it was in the complete discretion of the Bureau of Correction.

It may be interesting to briefly recall the history of pre-release legislation. Pre-release was initiated, as you know, by Act No. 173, approved July 16, 1968. That Act

established pre-release centers and initiated a work release program for persons incarcerated, providing the sentencing Court did not object. This Act was amended on December 2, 1970 by Act No. 274, which removed the word "work" so that we now had a "release plan for prison inmates". It further eliminated the requirement that the sentencing Judge could object and, in effect, provided that any prisoner might at any time be placed in the pre-release program with or without supervision at the direction of the Bureau of Correction. While the Act excluded persons sentenced to life imprisonment, at least one Bill I know of was introduced in the 1972 session to extend its benefits to "lifers" and undoubtedly such efforts will be made in this session. Remembering that at the moment there is no death penalty in Pennsylvania, you can imagine what kind of persons could be enjoying furlough benefits.

The abuses of the pre-release program are numerous and serious. They have been well publicized in the past and I see no reason to dwell on them at this time. One of the problems was that despite the requirement of the Act that the program be administered under rules and regulations established by the Bureau of Correction, such regulations, if promulgated, were not widely distributed, at least not to any of the Judges.

Obviously, many of these problems are behind us

because last June at a symposium on criminal justice, an agreement was reached by the Judges and the Bureau of Correction providing, in effect, that no one who had not served their minimum sentence would be placed on pre-release status without the approval of the sentencing Judge. While rules and regulations to carry this agreement into effect were promised, they were not forthcoming, and in any event, it was thought necessary that appropriate legislation be enacted.

In the last session of the legislature, Senate Bill 1351 embracing the terms of this agreement was passed by the Senate by a vote of 44 to 4, but did not reach the House in sufficient time for it to be considered by the appropriate Committee and reported on the floor.

At a meeting of the Committee on Corrections of the State Council of Trial Judges held in Philadelphia last month, a resolution was unanimously adopted supporting Senate Bill 16. Now the present Bill is practically identical with Senate Bill 16 and, I am therefore confident, that enjoys the endorsement of the Trial Judges' Committee and, I personally believe, the vast majority of all the Judges in Pennsylvania.

I might add that Commissioner Sielaff attended our meeting last month and it is my understanding that he also endorsed passage of this legislation I am sure. Commissioner

Warner was quoted in the local paper, The Evening News, February 21, as saying that the Bureau supported it to get a law on the books and he said, I quote him, I believe I am quoting him, that would bring closer co-operation between the Trial Judges and engender public trust in the pre-release and furlough program. Now, yesterday I received from Commissioner Sielaff an administrative directive from the Bureau of Correction containing detailed regulations concerning all aspects of the pre-release program, furlough, work release, community treatment services, etc. I have had an opportunity to read it and I think that these rules and regulations very fairly confirm the matters which we agreed upon last June. However, I still feel legislation is still needed to buttress this directive because as we all know, rules and regulations can be easily changed, more easily than legislation, and without notice or public hearings or things of that nature.

If I may just for a moment speak about the philosophy behind sentencing and the role of the Court, I feel very strongly that the sentence imposed by the Judge should be respected in that the offender should be made to serve his time. There is an area of conflict between the goals of the correction system and those of the sentencing Court. I think that rehabilitation is the primary concern of the Bureau of Correction. Its

philosophy is to return the offender to the community when they feel he no longer needs "the restrictive secure atmosphere of an institution". On the contrary, to the Judge in sentencing a person to a correctional institution, I think rehabilitation is in many cases a secondary goal at best.

The Court, speaking for the community, feels that basically payment for crime should be calculated in terms of years commensurate with the seriousness of the offense while treatment practice approaches its objective not in terms of the crime committed, but in terms of the psychological or social maladjustment of the offender.

I think our primary aim in imposing prison terms is deterrence and this means two things; discouraging those released from prison from committing further crimes and discouraging the general public from becoming criminals. One danger inherent in our correctional system is that an emphasis on treatment and rehabilitation may diminish the prison's capacity to serve as a deterrent to crime. Treatment programs have a tendency to do away with the undesirable aspects of prison life. This is not to say that prisons should be barbaric institutions as some have been in the past, but to some extent prison must remain undesirable.

The Court also feels very strongly about the pro-



tection of society and the reassurance to the community that the law is performing its task of public protection. The community's feelings for protection do not always correspond with correctional personnel judgments of how much danger is involved. Often those whom correctional workers find to be the best parole risks, the community fears the most.

There is much talk of prison reform and I suppose that the pre-release program is thought of as one step in this direction. However, I think the key to prison reform lies not with programs but with employes. I think our prisons could be made more tolerable for both the residents and the guards if we provide security personnel in the institutions with adequate salaries, better training, and certainly more authority over the inmates.

In brief, I believe that the Judge should be the final authority on sentencing because he is elected by the people of his county and is responsible to it. He lives in the community and is interested in its welfare. Furthermore, sentences are pronounced in open Court with full publicity available and in an adversary procedure where all sides can be heard.

The Judge is in the best position to consider all the purposes of sentencing and to keep uppermost in his mind

that while the defendant is incarcerated, he is not going to murder, rob, mug, rape, burglarize, assault or steal from anyone.

To those who tell you that punishment is not a deterrent, let them look at the tremendous increase in murders which have occurred over the past several years in proportion to the decreased number of executions.

It is interesting to see in the headlines of today's Patriot a statement by our Secretary of State, William P. Rogers, calling for the execution of the Black September Terrorists. As I read the article, up until then he had great misgivings about the deterrent effect of capital punishment, but he now feels extreme measures are needed for preventing matters of this nature from occurring again.

To those who say that criminals are merely sick and should be treated like other sick people, I reply that if they are sick, it is an infectious disease, such as the plague, and they should be quarantined.

There is much concern today about revitalizing our cities. Before this can be accomplished, they must be made safe for the inhabitants and this can only be done by making the consequences of crime painful enough to outweigh its advantages. One way to do this is to make certain that the

persistent, professional and dangerous criminal is removed from the area through stern sentences which will discourage him and others of like intent from victimizing people in the community who work, pay taxes, and obey the laws. Let it be known that when the criminal is put away he will stay put away until the Court, dealing not with his interests but with those of the community, consents to his release.

Our rising crime rate will not be reduced until the level of risk in committing crime is made unacceptable to the criminal.

One step toward accomplishing this is to legislate to the Courts the power to see that their sentences remain intact.

CHAIRMAN SCIRICA: Thank you Judge. Before we ask for questions, I think I should introduce the members of the Committee here. Representative Whittlesey to my right, Representative Hutchinson, Representative Ruggiero, Representative Spencer, the Chairman of the Judiciary Committee, Representative Zord, Chairman of the Law and Justice Committee, Representative Roy Wilt to my left, Representative Scheaffer, Representative Doyle, Representative Eckensberger, who was the Chairman of the Law and Order Committee in the last session, Representative Kelly, Representative Lederer, Representative Wagner. I guess

that is everybody.

BY CHAIRMAN SCIRICA:

Q Would you say that one of the goals of the correctional system is to insure that the people who are in prison don't become recidivists, don't come back as second or third or fourth term repeaters?

A One of the goals of the --

Q Of the correctional system is to cut down on recidivism so that those people who are serving in prison do not come back and repeat offenses.

A Well, if it is a goal, it's one that certainly hasn't been realized. I suppose it's a goal, but I don't know why we necessarily feel the atmosphere of the prison is going to be the key that turns a man's life around. I don't see that that can be done very well in the prison system. I think the statistics, reliable as they may be, which show from what I read that even in the most liberal systems it apparently doesn't affect the rate of recidivism, no matter how comfortable you make jail. The rate doesn't seem to change from the more progressive state to the more backward state, which indicates that that may not be the way to do it, to make prison life easier. Certainly to make educational programs in the institutions, if that is the problem as it is I suppose with some

of the criminals, to try to educate them and give them something that they can do when they return to society should be beneficial. You must understand that many people, the majority certainly of people who get into the State system are not first offenders. Now, we are not talking about youthful first offenders. They rarely wind up in a State Institution. They go to the Dauphin and Juvenile Courts and fines and prison, county-time. When they get to the State correctional system, most of the men to some extent have a lot of experience in crime. Whether -- what percentage can be rehabilitated in prison, I don't know. I suspect it's rather small. I think the problem, if that is the great concern and they judge the -- they say, well our system isn't working because we are not rehabilitating people. That's based on the premise that that is the purpose of the system, and I don't really think it is or should be. At least not the purpose of sending them to jail. I think we have to give more priority to protecting society and discouraging people, deterrence.

CHAIRMAN SCIRICA: Are there any other questions of the Judge?

BY REPRESENTATIVE WHITTLESEY:

Q Under present regulations, parole violaters are eligible for furlough. Would you be in favor of that, the

continuation of that regulation or any change?

A Is that in the new regulations? Well of course you can see, you can have very technical parole violations. I would want to judge each case on its merits.

Q Would you want to leave that to the discretion of the Bureau of Correction?

A Well you see, under the new regulations it is not really in their discretion if he hasn't served the minimum sentence, as I understand. The Judge would still be given all the facts and he would have to approve. Now, I have said all throughout that the Judge has the final say. That isn't completely accurate and the Bill doesn't say that really. The thought was this, and here is really what has happened on this, the Bureau wanted to have the last say and we wanted to have the last say, and what we worked out was that if we can't agree, then it goes to the Pardon Board, who, of course, at the present time, have the ultimate say. They can commute anyone's term. But at the Pardon Board you have a hearing. It is a public hearing where we can appear, our Representatives can appear, the Bureau can appear, and I don't believe since we have had our talk last June there has been any case that has come to the Pardon Board. But, if we don't agree, we get together and talk about it. And I would suspect the ultimate

disagreement, the case that reaches the Pardon Board, would be very few in my opinion. Like there have been none in the last eight, nine months.

BY CHAIRMAN SCIRICA:

Q One last question then, at least from me. But you are in favor of Senate Bill 310 and the State Judiciary is also in favor of it?

A Yes, well as I say, the Correction Committee unanimously approved it. I can't speak for the entire State Judiciary because we haven't had an annual meeting. But, my personal opinion is that a great, great majority of Judges are very strongly in favor of it.

BY REPRESENTATIVE WILT:

Q Judge, the attitude and philosophy you have expressed, that is not a new one, is it? That is pretty much what has been the format of what -- in other words, if you had appeared here 20 years ago, it would have pretty much been the philosophy of the Bench, wouldn't it?

A Well probably 50 years ago would have been even more stronger. I think the last 10, 20 years there has been a great trend towards the other -- the more, what you might call the more liberal side. But it certainly isn't new. I don't

suppose it's that new with the Judges. But I think the tendency of late has been to be more concerned with the rehabilitation of the criminal than the protection of society. I think we should get back to the old standard to some extent.

Q Well I guess my dilemma lies in the fact with the rising crime rate there is something wrong. If that attitude and philosophy is 50 years old or more, are you interpreting that to the fact that attitude has worked, that kind of protecting society philosophy?

A I think one of the reasons for the rising crime rate is that the average criminal no longer fears being punished even if he is caught. I don't think that was true 30 years ago.

Q And so long as we had that, Sir, we didn't have the up-surge --

A Well I think that's one factor. You just can't put it all -- there are too many things involved. But I do think there has been some misplaced social concern and I think this reaction against imprisonment on the grounds it fails to rehabilitate them, has given the criminals a definite edge. A great many of them, in the first place it's hard enough to catch them today. If they are caught, it's hard enough to convict them with some of the decisions of the Appellate Court and then if you convict them and give them a proper sentence,



why, you find out in six months or a year they are back on the streets. All of those things add up. Criminals read the newspapers. They know what is going on. They know who is in and who is out and how long they serve for what type of crime.

BY REPRESENTATIVE LEDERER:

Q Judge Dowling, I presume you have read the present regulations where a man must serve one-half of his minimum sentence.

A Yes.

Q Plus nine months at the institution which has him under consideration for parole.

A Yes.

Q Do you generally agree with that at this one phase or not?

A Well he must serve one-half of his minimum before he can be considered.

Q Yes.

A Oh yes, I think that should be at least that.

Q Plus nine months at the institution where he is presently?

A I don't know that it is plus. I think it is a minimum of nine months. Suppose his sentence were a year, he would have to serve nine months. It is nine months or half.

But I think -- yes, I agree he should certainly serve at least half his minimum before he is considered for pre-release.

Q Do you think prisoners should be in different categories, those who are prisoners because they are there for having been convicted of a crime of violence and those who are in prison because of non-violent crimes?

A Well, of course, the sentence should reflect that factor. You mean that you should have a shorter minimum period for, say, a non-violent offender?

Q Or at least a different one, I don't know that -- yes, you're right, sure.

A No, I think that it should be half the minimum. I think the sentencing Judge should take into consideration whether it is a crime of violence, then if it is not a crime of violence or not a particularly serious crime, then he doesn't receive as long a sentence, therefore his minimum is cut.

Q Now presently a person can be furloughed without any citizen sponsor of any type, as I understand it. Do you think a person being released on a furlough should have in every case a citizen sponsor?

A Well the furlough is only for seven days as I understand it. I mean that is the maximum period. I have read the regulations. I haven't gone into the detail. I think you

have to have somebody accountable really. I am really not certain what the regulations --

Q As I understand it, there is no one single person who, for instance, the lawyer perhaps if this man had no other friend who would be the accountable person or some other person in the community who would say, if you release him I will partake of this program under a written procedural standard and will do my share to see that the man visits me. I think for instance, if an inmate comes out there ought to be one citizen in the whole community that is willing to put his valor up and say, I also believe in him and I'll see him the first time and counsel him and I will be in some way accountable when he returns for his actions. I'm not saying under the law accountable, but under the breath of humanity be accountable that there is a relationship in the community between myself and this man.

A I think it's an excellent idea. I wouldn't necessarily confine it to a furlough because furlough is a very temporary thing, a week at the most. But I think when a person is put on -- eventually is put on a pre-release status which returns him to the community, this idea of having a sponsor is a very fine one. I think they are doing that in several states. I read recently a group of lawyers, they call them Friends of Prisoners, and it is a one on one program where when a man is

released, one person -- like we have Friends of Probation now, youth on probation, one person sort of adopts that man and counsels with him. It is an excellent idea. Very fine, but whether or not it would be feasible on this temporary home furlough, I don't know. The concept is very, very good. Particularly the one on one idea, one man on one prisoner, if it could be done. If you could find people interested enough to do it.

BY REPRESENTATIVE HUTCHINSON:

Q Judge Dowling, you stated, I believe, as I understood your presentation, you stated that you felt that sentencing should be primarily related to the nature of the crime and, therefore, I assume you are thinking of a fairly rigid set of sentencing rules. Would you be in favor of any check on the great discretion that the Judge has in sentencing now? There has been a lot of criticism with the disparity of sentences.

A Well I think certain checks are all right. First, of course, you always have the Pardon Board if the sentence is too severe, you still have that. You can always go to the Pardon Board. There is a proposal in the new sentencing Code, which is not passed, when the maximum sentence is 7 years or more, there must be -- three Judges must confer and approve the

sentence. I think that is a good idea so long as the sentence -- I think the sentence, I think it is a seven-year period of sentencing. But in our county, it would work because we have five Judges that sit in Criminal Court. It might pose problems in the smaller counties. I see nothing wrong with judicial review of sentences, provided that they review both ways. Now, there is a lot of talk about having the Appellate Court review sentences, but they only want to review them downward. Now that is wrong. Well everybody will obviously take an appeal of the sentence because there are, I have heard some Judges perhaps who give sentences which are far too lenient. And I think there should be power in the District Attorney to take that up and have that reviewed. I would certainly not be opposed to review of sentences, if they can review them upward or downward as they had in England for many years, an act where they could review sentences.

Q Would it be fair to state then that you would be in favor of a more objective type of sentencing, the more rigid standards with respect to the length of sentence regulations?

A No, not more rigid.

Q Not more rigid?

A No.

Q You think it should be more flexible?

A Yes I do. Remember, when you sentence a man, you are talking about the serious stage now, you usually have a pre-sentence report. His lawyer is there and he is going to bring out everything he can in his favor. There is publicity given to it. I think -- I still think the Judge is in the best position. He hears the case and sees the man to pass the sentence and then have some kind of a review, but I don't think, if you mean like mandatory number of years for certain types of minimum sentence, you must serve five years, we had one time in some drug cases, I am not in favor of those. Because there is always the exceptional case.

REPRESENTATIVE HUTCHINSON: Thank you.

BY REPRESENTATIVE RUGGIERO:

Q Judge, as I understand your testimony, you would regard two factors as important. First of all, the nature of the crime and all the circumstances surrounding it, and secondly the behavior of the prisoner while he is in prison before you would consider agreeing to a pre-release program, is that correct? You would consider both factors or is your recommendation based entirely upon the nature of the crime which led to the sentencing that you imposed upon him?

A No, that would certainly be a factor, but I would have to rely on the information supplied me by the Corrections

people on his behavior. That was one of the problems heretofore. At least several years ago we'd get a form letter. Now we are getting detailed reasons as to why they think the person should be placed on a certain program which helps us, because we don't see the man after we sentence him.

Q Well that's what I'm concerned about, what weight do you give to the recommendation that comes out of the prison itself, let's say, where they can best observe the man after he has been sentenced? What weight do you give to that if any?

A Oh, I give weight to it. I can't give it to you in percentage, but I also feel if I give a man, someone, let's say, 10 to 20 years, of course, now they would have to serve at least five years. Let's say a very serious crime, I'd consider the reaction of the community and the interests of the community and the factor of deterrent. If someone is going to be sentenced 10 to 20 years and gets out in five, that doesn't seem in a particular case too much of a deterrent. So, I give weight to a lot of factors. But I also certainly consider how he has adapted, at least how he has impressed the people in the institutions. Certainly that is a factor.

REPRESENTATIVE RUGGIERO: Thank you.

BY REPRESENTATIVE DOYLE:

Q Judge, one question. Does Dauphin County, have they

implemented a system whereby the prisoner could be released before a plea of guilty? In other words, misdemeanors where first offenders where without taking a plea they could be released on a period of probation without a record being made.

A That's that accelerated rehabilitation. We are starting it. We have it, yes. It is rather limited in scope because we don't have the personnel at the moment. That applies only to certain type of offenses. I think it is principally in the drug field. We have that program.

Q I was under the impression that to all first offenders where it is only a misdemeanor category.

A Oh, no, it's not all first offenders. It depends entirely on all the facts of a particular case, but it would be a rather select group that would qualify for that.

Q But you limit it to that?

A Well it isn't even limited to misdemeanors really, it would depend on all the factors. We have a program in an appropriate case a person can be placed on probation for a year or two and if they fulfill all the conditions, the matter is taken off the record. In fact, there is a provision in the new Drug Act, Section 17, provides for that, and we do use it. I certainly use it. I had two cases last week, possession of marijuana, first offense. We put it under Section 17. They



are on probation. If they get in no further trouble, it is removed from their record.

CHAIRMAN SCIRICA: Judge, thank you very, very much.

(Witness excused)

CHAIRMAN SCIRICA: Mr. Speaker. We have a few additions to the Committee, Representative Maloney, Representative Zeller, Representative Sam Hayes. Mr. Speaker, former Attorney General of Pennsylvania.

FRED SPEAKER, called as a witness, testified as follows:

MR. SPEAKER: Mr. Chairman, thank you for inviting me here. I do not have prepared remarks. I had intended to -- just to very briefly discuss a couple of points in hopes that I would add at least to the dialogue and perhaps add a little bit to the history.

First, may I say that the Chairman of the Pennsylvania Chapter of National Council on Crime and Delinquency called me last night and asked me to, since I am an officer in that organization, to reflect that organization's general viewpoint and to request an opportunity to submit a very brief

statement into the record once that statement is prepared.

CHAIRMAN SCIRICA: We'll be happy to receive it.

MR. SPEAKER: The Chairman asked me to point out that N.C.C.D. does indeed support the concept of the pre-release program and to emphasize that that comes not from the bleeding heart viewpoint, not out of an overriding concern for the individual inmates in an institution, but for the cold pragmatic reason of protection of society. That that organization and indeed I think that we have a chance to do something better that will eventually result in a reduction of crime. N.C.C.D. urges that two points be kept in mind in the pre-release program. One, that the decision that is made, the initial decision, about whether or not there should be release, should be made at a high level of the institution. That it should not be a routine, low-level staff recommendation, but that it should be the decision reached after deliberation at the high level in the correctional institution. And second, that there be participation of the Trial Judge in that determination.

With those two comments, if I may, I would like very briefly to tell you a little bit about why I think we started the furlough program as it did start during my brief tenure as Attorney General. It started primarily because what we had quite apparently was not working. Most of the people that go

into the State, our correctional system, come out and commit further crimes. Most of them come out. Most of them commit additional crime. So that we start from the basis of whatever it was wasn't working and perhaps we ought to try something different in the hopes that we could construct something that would work that at least we could reduce the number of crimes that are committed by people in the institutions. I think obviously, certainly I wouldn't claim and I don't think anyone would claim, that this is the answer totally and completely. That if we have a working pre-release program, there won't be any more repeaters' crimes. But there is some evidence, and I think this Committee will be presented later on some statistical evidence, which will demonstrate that it does reduce crime among those who have been in an institution, who have participated in a furlough program, and then who have been released.

There were a couple of very important reasons for trying this, and one is the thing that is not talked about as much as I think it ought to be talked about in the institutions and that is the problem of homosexuality. An initial proposal that we considered was to establish a program, at least an experimental program, of conjugal visitations. That concept was abandoned fairly early in its consideration for a number of

reasons. The primary one being that it wouldn't be anywhere near as effective as the opportunity for people on furlough to go out and be with their family. It would not be -- the conjugal visitation concept is artificial, potentially very demeaning, and not open to enough inmates to make any sense. But the problem of homosexuality is in the prisons. It is, I believe, a very serious problem. It has to be addressed. It has to be addressed by more than a pre-release program, but that is one of the elements in consideration, making that decision. Another element comes from the testimony of a great many people who indicate that the trauma of the initial day of release from a security institution to the street without any kind of de-compression process, those first two or three months often are so difficult for the individual to handle that he again turns to crime. And the thought is that a kind of phase re-entry into society will eliminate that trauma and make the chances better that there won't be repeating of the crime. Again, when I talk about the trauma, I want to emphasize that I am not talking about the concern primarily for that individual. I am talking about the concern society has that the person who is returned to the street has the best chance to make it out on the street without resorting to additional crime.

If I may conclude, I would like to express my

personal delight in the support that Judge Dowling indicated for the legislation that is pending before the General Assembly. I think a very significant compromise was worked out and is reflected by the legislation. I think it is most hopeful that groups with very significant and of urgent points of view have gotten together and have given up something to gain a very important point. Finally, I would say I think the pre-release program is worth trying and that if it is given an intelligent chance, it may very well work, and I thank you.

CHAIRMAN SCIRICA: Thank you, Mr. Speaker.

BY REPRESENTATIVE SCHEAFFER:

Q Will you support the legislation that is being drawn up now to bring back capital punishment?

A No, Sir.

Q Do you think that the Legislators should support that legislation?

A I think each member of the legislature clearly has to follow that individual's conscience and reflect the desires of its constituents and balance those two concepts. If I were a member of the General Assembly, I would vote against such legislation.

Q Even if your constituents wanted you to?

A Well that's a very difficult and a somewhat

philosophical question that I have never really been able to resolve and I dare say many of you have difficulty resolving that. When you have a clear philosophical point of view, or a point of view that is insisted upon by your own conscience when you see at least an articulate segment of your constituents pulling for something else. Now I have read a lot of literature. People have faced that problem over and over again. Sometimes they will follow their constituents. Sometimes they will follow their conscience. Sometimes they are re-elected and sometimes they are defeated. And I recognize all of those elements and it is not easy. I would say, if in the unlikely circumstance that I ever would be elected to any elective office, were I faced with this question, I would unhesitatingly, you know the word I'm trying to say, vote against the death penalty, whether it meant that is what my constituents wanted or not. I believe it is such a significant matter of conscience and such a significant constitutional question that there would be no other decision for me.

CHAIRMAN SCIRICA: Any other questions?

BY REPRESENTATIVE KELLY:

Q This goes right down the alley of sentencing as a deterrent. Now I guess you really have no firm answer. It is a matter of your opinion as to how sentencing, length of

sentencing, and the severity of the penalty will influence the future behavior of the criminal. I got two conflicting signals from the Judge. On the one hand he said to us that the severe sentence would deter future commission of crime. On the other hand, he said most criminals don't fear punishment, may not have a deterrent. What's your opinion not only relative to the death penalty, because I happen to agree with you on that, but relative to the length of sentence?

A If I could say preliminarily, it is just my opinion, and I have a great deal less experience than almost anybody who will testify here today on that question and less experience than many members of your panel, I think it is a very complex question. There are a lot of elements and I am nervous about the simplicity approach to that question. But I think clearly that punishment is an element that has to be considered when you consider sentencing. I would agree with Judge Dowling that at least initially the sentencing Judge is in the best position to make the determination and has many of the elements. I believe that sentencing does act as a deterrent to crime. How much I don't know. I do believe that if we were more sure that criminals would be caught and would be rapidly brought to justice that this would be much more of a deterrent. I cannot quote you the statistics, but I think in a careful examination

of the F.B.I. statistics will show that -- probably the chances are today that you can commit a crime and not -- there is no deterrent because the odds are in your favor that you are never even going to be caught. Parenthetically, and I am really, since I've got the microphone, let me just throw this out as something I think this Committee ought to consider, indeed anybody concerned with the criminal justice system ought to consider, and that is a real strengthening of the law enforcement process. One significant way would be to substantially increase pay for policemen to back up and upgrade the whole police system, because I think that if we had the day that if a guy about to commit a crime said to himself, if I commit this crime I'm going to be caught I think you would have a lot less crime and there would be a much more significant effect on the crime rate than say doubling all sentences.

Q Are you satisfied with the penalties being given by the Court?

A Well I was just -- I was reflecting on that when Judge Dowling spoke. I'm satisfied that some sentences are very good and very just, and some are either excessive or too lenient. The problem is that I think perhaps you and I would sit down and look over a hundred cases and a hundred sentences and we may very well disagree on 70 or 80 of them. I don't know



how you resolve that except by a process of education and communication. I'm not sure that a super-sentencing structure would solve it. I know in my own practice of sentences that I thought were really excessive, other sentences that were just right on, really just sentences, and some that were terribly lenient. So, I am both satisfied and dissatisfied.

CHAIRMAN SCIRICA: Thank you, Mr. Speaker.

BY REPRESENTATIVE LEDERER:

Q Mr. Speaker, when you were making reference to higher pay for policemen and making an inference that we have a better grade of policemen or better qualified policemen, aren't you really talking about crime prevention in addition to the fact that you state that the person has this concept, if I do wrong, if I burglarize this house tonight because of adequate community protection and competition, I will probably be caught, better not do it. Aren't you getting into the area of crime prevention?

A I think so. I think that is very much a part of the deterrent concept and I think when you consider the billions of dollars that crime costs in this nation each year, that a very small portion of that invested in -- improving the crime prevention and law enforcement processes would be very well invested. And I really don't mean by those comments to

imply a criticism of the police. I think they -- I think this is perhaps somewhat strange coming from someone who would be identified as more liberal, but I feel it very deeply that police have -- do extraordinary things under extraordinarily bad circumstances of low pay, of terrible risk, of public disinterest at the best, and condemnation at the worst, and do a marvelous job, but it really isn't good enough to prevent the crime as you indicate or to enforce the law fully and completely. And that a very constructive, and I think liberal effort, by the General Assembly would be to improve the lot of those who are in that profession to strengthen them, to increase their numbers, to make it a profession that would attract the best of our young people.

Q You were Attorney General, should not most of our efforts be placed in financing and developing the juvenile Court programs?

A Well I think that -- I -- my own hesitancy is whether it should be most. I don't know how to evaluate that. I think clearly a heavy emphasis should be placed on the whole juvenile process. So much of the first contact that a young person has with the criminal justice system is at that level and I think there is a really first chance to do it right and, therefore, a much greater emphasis, which I think would be very

positive. I would agree.

CHAIRMAN SCIRICA: Mr. Speaker, thank you very much.

MR. SPEAKER: Thank you very much.

(Witness excused)

CHAIRMAN SCIRICA: Mr. Sielaff.

ALLYN R. SIELAFF, called as a witness,  
testified as follows:

MR. SIELAFF: Allow me to first introduce the members of the Bureau of Corrections who are with me this morning. To my right is Robert Johnson, the Superintendent of the Graterford Institution, Erskine DeRamus is Superintendent of Huntingdon, to my left is Brian Loninghan, who is a Regional Director of Community Treatment Services based at Scranton, Stu Werner, Deputy Commissioner. To my rear, Tom Carter, Judy Russell, and I note that Jim Murphy, Superintendent of the Women's Institution of Muncy, along with the Deputy, Susan Reed, and I presume several residents from Muncy.

I myself am very pleased to be here this morning to talk with you about programs with the Bureau of Corrections and, in particular, the pre-release program. If I may, I would

like to share with you a consideration that to me seems very basic in the success of any pre-release community base program, that is, human beings are not born bad and the crimes most offenders have committed did not originate in a vacuum. Most inmates are under 30 years old, more than half of them are black. The median of education completed is slightly less than eighth grade. The majority do not have job skills. The community certainly had a role in shaping them and it is to the community they will return. In fact, 99.2 percent of all inmates will be released to the streets eventually. If they return prepared only to fail again, the price will cost society far more than the offender in terms of recidivism and a mounting crime rate. It has been difficult, if not impossible, under our past system to prepare a person confined in prison for months or years to make a smooth transition back to the community. Institutions by their very nature foster dependency and isolate offenders from real life, both physically and psychologically.

On the other hand, programs of pre-release offer a chance for selected-offense individuals to learn responsibility and how to cope with problems of daily living. Neither are reward nor a right. These programs are part of a total correctional treatment process. This process begins with

diagnoses and includes bringing to bear those resources <sup>necessary</sup> /to meet the individual's rehabilitative needs. Work and educational release allows use to be made of normal opportunities for employment and education while inmates remain subject to prison control. Furloughs enable offenders to find decent jobs without having to write prospective employers from behind prison walls. They help to preserve family ties and, in my opinion, aid in reduction of the homosexuality in prison.

Pennsylvania is only one of 28 states that has such a program and the number is growing. In over two years, we have had 11,055 furloughs granted to 3,952 inmates. Ninety-eight percent of the furloughs did not result in abscondion or new crimes. The other major thrust of the pre-release is the community treatment services, a community based residential program, that in the long run offers greater protection to the public than incarceration alone. Our research shows that those who complete the program do significantly better on parole than others. Operationally, it is less costly to the taxpayer than for an inmate to do time in prison. Furthermore, the residents make a sizable monetary contribution to the community. It is noteworthy that the above programs are growing nationally. They received the endorsement of President Johnson's Crime Commission in 1967, as well as President Nixon's Commission on

Criminal Justice, as was evidenced in a recent conference in Washington. Pennsylvania did not originate these concepts, but we are in the forefront of their development.

We are continually seeking to improve our approach to pre-release eligibility selection and supervision. Our latest regulations governing all aspects of pre-release, including the furlough program, I believe are in your possession and subject to your examination this morning. One section of these new regulations embodied the total agreement that was worked out with the Judges last Summer at the Governor's Symposium on Corrections. And this in turn is reflected in Senate Bill 310 and House Bill 471. The Bureau of Corrections strongly supports Senate Bill 310 and House Bill 471 because they accurately transcribe into legislation the agreement that was reached and what is now Bureau policy. We would, however, oppose legislation that would pre-empt the authority of the Bureau of Correction by delegating to sentencing Judges an absolute veto in individual cases. There is obviously a great deal more that could be said and much more data that could be presented. My staff and I stand ready to answer any questions you may have.

CHAIRMAN SCIRICA: Thank you Commissioner.

BY REPRESENTATIVE SCHEAFFER:

Q Mr. Sielaff, you said they learn responsibility. How do they learn responsibility when they don't have to work, when they are inside the institution?

A Well first of all, Mr. Scheaffer, they do work in the institution, and I am talking about the pre-release program as a program that particularly encourages assumption of responsibility because they are decisions of every day life and in standards that must be met. I think it is much more difficult really for an inmate to engage in some of these programs than in the past when he did time in an institution. All he had to do is to serve that time before he became eligible for parole. I think it's much more difficult if he is working out in the community on a job to perform well, because a great deal is at stake. I think when he is on furlough it places a great deal of responsibility upon him in terms of conforming to the rules and regulations that are imposed upon him.

Q When he is in the institution and before he is eligible for pre-release, he doesn't have to work. Now he's eligible for pre-release if he goes out and gets a job. Now he is working for private industry and they expect an eight-hour work day for an eight-hour pay, but yet he hasn't been accustomed to working before he got on the pre-release program.

A Well the fact is, that many of the people have

come into prison and have not worked steadily, they have not had the skills to work, and when they have been employed they haven't developed perhaps the habits to become responsible employees. Now, the truth is that although some inmates don't work in prison, many, many do. In fact, I would say the majority do. The majority are also involved in programs that are designed to change behavior. And our experience is that many of the offenders, properly screened and interviewed by employers, become excellent employees and we have many employers who have indicated to us that they would like to employ offenders. We have excellent co-operation from industry as a matter of fact.

Q Do you know what percent of these people go back to their community and do the jobs that they did on the pre-release program?

A No, I don't know offhand what percent would do the jobs that they had done on the pre-release program. I would assume in the Greensburg area, for example, where we have a fairly extensive work release program out of the institution because it is a regional institution in that it serves a region, that when an individual returns to the community on parole, since that community might be some distance from the community in which he worked, that he naturally would go into



another job. I think our experience indicates that, however, when there is a job change, it is to the better. It is a steppingstone to better employment.

Q You do not have a pre-release <sup>work</sup> program at Huntingdon but they are planning on starting one there. But yet up in Huntingdon they have a staggered school day so some of the school students can work in the community. How are you going to get your inmates up there to get a job in that particular community when they have a staggered school program so that the school kids can work?

A I think that this -- I think that Huntingdon, by virtue of its location, is going to be a very difficult institution from which to operate a work release program. I think that Graterford, for example, is in closer proximity to a larger metropolitan area, Camp Hill, Pittsburgh Institutions, where because of their location, the program would be possible. This is why we have relied heavily upon the residential centers. These centers are located in the community and the community in which the individuals have lived before and to which they will return and the inmates in these centers are under our supervision in that they sleep there at night and we have 24-hour supervision. They then can work out in the community to which they return. This is one reason, I think, that explains

why work release has not been an extensive program out of the larger institutions. And although a place like Huntingdon does serve a region, it nevertheless is very distant from some of the communities to which the offenders will be returning. So the isolation really of the institution has placed a restriction upon the program. This is why I think work release has been more feasible out of county jails.

Q       Camp Hill, you have a program starting and now they are going to take the buses off. What are you going to do about transportation? Is the State going to haul them?

A       Yes, we will provide transportation and we did provide transportation to the Dauphin County Vo-Tech School. We found, for example, that it is very difficult to establish services in an institution that equal those in a community. And in Dauphin, we had an excellent Vo-Tech school system that wasn't being used in the Summer and in the evenings, with good equipment and instructors that we in the State probably could not afford. We had a pretty successful program in actually busing some of the residents of Camp Hill to that particular school. It has not been unique to Camp Hill. We have done it out of Rockview and we had such a program out of Pittsburgh. I think it is a good example of how community resources can be used to advantage.

Q In your community treatment centers, are any of those counselors, have they ever been appointed with correctional procedures?

A Yes indeed. A number of the counselors were actually correctional officers. If I look at the Harrisburg center, for example, the center was started with correctional officers and we had professional supervision. Now the counselors remaining, I can think of at least two of them had extensive experience at the Camp Hill Institution. But, we have attempted to provide the best professional supervision and correction to the program. So we do have, I think, in all of our centers a pretty good balance.

Q Your correctional industries program, I mean, cannot that be expanded further in the institution?

A Well you know it used to be years ago the only thing we had in institutions was correctional industries. In fact, correctional industries historically began to provide some alternative for idleness. Now we still have correctional industries. Some of those programs frankly are outdated in terms of preparing a man for a meaningful job in the community. Some of them are very good and we are trying to bring in programs that are more up-dated. But along with correctional industries, we have many other work opportunities. We have

an extensive training program, for example, in the culinary area which is a growing field as far as the labor market. We now have expanded education programs, counseling services, and so where in the institutions in the past the only thing that took up a man's time was working in a weave shop at Graterford, we now have many other opportunities to develop his potential. I am not in any way demeaning the value of work and the establishment of good work habits. But I think the things that some of the operations that we inherited out of the past just are not germane to good correction today.

BY REPRESENTATIVE DOYLE:

Q Do you have any comparison study between -- for recidivism on the one hand those that are happening in the pre-release program and furlough program as opposed to those who haven't?

A I have that. That research was done by Informatics in Rockview -- Rockville, Maryland, and we have several copies of that rather extensive report, which we would certainly like to make available to you. That is an analysis of a community treatment program, the residential program, and it does make evaluation as between those who went on to parole after having the benefit of this program, and a like group that did not. And this research, and it has been cited ex-

tensively throughout the nation, has indicated that there was an eight percent less rate of recidivism for those who had the benefit of the program. That was a fairly preliminary report. I am not so sure that, you know, that figure is going to hold. I would figure that if we reduce the repetition of crime by one or two percent, it would be significant, because the program is very effective in other ways, cost-wise and otherwise. Now, as far as the furlough program, there was a study done, we can provide you a copy of it, by Harvard University Law School and there was a survey of the furlough programs throughout the nation. I don't think it is an in-depth kind of study, but it does come up with some empirical observations in terms of value of the program.

Q That is only for the one institution?

A No, no, this is a -- this particular study was done of the first four community treatment centers that we established and, for example, Pittsburgh, Philadelphia, Harrisburg and Erie were those that were included in that study. So it is fairly broad in scope.

Q I should think it would be interesting to find out how many inmates returned to prison that have enjoyed the furlough program and those who haven't and if there is any significant difference between them. For instance, you said

that 98 percent of those out on furlough who have been in the program, there have been no abstentions or further crime. Are you just talking about those while in the program? You are not talking after they are released.

A That is right, but the figure that I cited before was a figure with respect to those on parole. And maybe Brian could talk a second on that.

MR. LONINGHAN: I think what we have to do is understand the difference in some of the programs within pre-release is what you are getting at. I think the Commissioner commented that 98 percent of the people who were out on a furlough through the year did not get involved in problems and returned. And we term that as a satisfactory furlough. However, once you get down the line in a pre-release package and you start talking about a release to a community base treatment center, then we have other statistics, of course, that are reflected into the research and we are prepared to answer specifics about that. We have a new conviction/<sup>rate</sup>with that population which on any given day, which is over 300 residents, which are actually matriculating out in community treatment centers. Now when you start specifically looking at that, we have two capacities. We have those who are in-residents and actually living in the center as a port of entry philosophy, and

then, of course, they progress gradually into what we call an out-residency capacity. I think a significant thing to understand is the inevitability that the Commissioner pointed out, 99.2 percent of these individuals are destined to return under some means.

Q Excuse me, what was that?

A 99.2 percent of offenders who are matriculated into the Pennsylvania Bureau of Corrections do return to society.

Q Yes, but more important, what percentage returns to prison?

A Well I think a recidivism rate is a very hard thing to get a handle on. I think a significant amount of offenders do recidivate and it is because of that very fact, the revolving door syndrome, that we come up with these programs to try -- what we see is that the initial re-entry is the most difficult. It 's at that time when recidivism occurs. And it is to that entity that we are addressing ourselves, trying to get a re-entry program that will buffer this re-entry, the inevitable re-entry. Our experience has been a new conviction rate since the inception of our program that is about 2.7 percent, which, to me, is very significant.

BY REPRESENTATIVE SCHEAFFER:

Q But yet, if one furloughed individual, if he is on

furlough and commits a crime, stops your program for awhile basically, doesn't it, from the standpoint of public opinion? Here is an article out of the March 1 Evening Bulletin, "Furloughed Murderer Held in Rape and Beating in Levittown". Now, he was from New Jersey, but he was furloughed and when people see that --

MR. SIELAFF: I think what we have to do is to make a comparison with other release programs and I don't in any way intend to be critical of probation and parole, because I do think that they are some of the most effective tools that we have. But in comparison to the rate of failure on probation and parole and furlough is far lower. In comparison to any community release program that we know, it is on a par or lower. And one thing is that we cannot guarantee 100 percent success. And, of course, our failures are dramatized and the hundreds that have profited from the program and have been a benefit to their families or their communities never draw the attention of the public. This isn't quite as newsworthy as a violation against the community. We are concerned about that. This is why we have extensive regulations drawn up, to reduce that risk as far as humanly possible. But as long as we deal with human behavior, we are never going to be, I don't think, as successful as we really would like to be.



And so it is a matter of weighing on the one hand the risk that is involved and the relatively few offenders who do get into trouble, and on the other hand the benefit that has occurred to so many more and the impact that we can make, hopefully, upon a system that has been regarded as a failure.

BY REPRESENTATIVE WHITTLESEY:

Q Mr. Sielaff, this two percent that failed in your furlough program, have you made any studies of that two percent of individuals who comprised that two percent? Have you -- do you have any conclusions as to why there was a failure in that group?

A No, I think that we need to know more about that group. A great majority are absconders rather than new offenders. I think as we can do a better job of analyzing the failures, perhaps it will be possible to develop a predictability scale which will enable us to even reduce the failure rate lower. I think maybe the superintendents who have personal experience with the individuals might just from a standpoint -- that standpoint be able to say something in terms of why men fail and what seemed to be characteristic, if you are interested.

Q On the basis of the operation of the program so far, do you have any ideas now as to how to minimize the

failure rate?

A Well all I can say is that if we were higher than what the national experience is, that would be one thing, but I think that everybody who has had experience with the program and refine their procedures to the point that are ultimate almost, and we are a par with the other states as far as the success and failures, I think there is almost a point beyond which we cannot go with our knowledge. Now that is not to say that we have in operation the most effective procedures because as the past has shown, we certainly have made some mistakes that can be attributed to administrative errors or human errors. These we need to keep working on. I think as far as the criteria, the procedures that we now have, they are as comprehensive and detailed as anything in the nation.

Q Why is it, Mr. Sielaff, that someone who has absconded from a previous furlough now would be eligible to go out on furlough again in nine months after he had previously absconded?

A Well I would want to take a look at the individual case.

Q But according to regulations, that is possible, is it not?

A It is possible, right.

Q Now?

A That same person is going to also return to the streets too in a relatively short period of time.

Q Do you think that nine-month period is long enough?

A Well, I think that you will notice that the one-half of minimum or the nine months is a limit that we imposed as an administrative matter and this was nothing that even the Judges were requesting of us. We feel that we need a period of time within which to make a sound evaluation of the man. We can't do it in a matter of days or weeks and we feel that this, although it is an arbitrary kind of figure, gives us that period within which to make a sound judgment. Then as an administrative matter too, it gives us -- it places some limit just on the sheer numbers of people who might be otherwise eligible. So for those two reasons, we established it and yes, I do think that is -- we struggled very hard over that particular area and I do think that that is a sound limitation.

Q Do you feel the program of pre-release should be extended to those sentenced to life imprisonment?

A Well, I think that inasmuch as the Pardons Board has now taken a rather new approach in terms of commuting some life sentences to a term of years and inasmuch as they have already done that in a number of cases, then the man becomes

eligible for pre-release. I would prefer to go that route rather than otherwise. I think that is -- first of all, places within the Pardons Board where jurisdiction for commutation rests, that decision and inasmuch as they have been reducing the life sentences to a term of years, I would just as soon that that approach be continued rather than legislation allowing us to place a lifer on pre-release status.

Q Your answer would then be no?

A Pardon?

Q Your answer to my question would then be no?

A Yes.

BY REPRESENTATIVE HUTCHINSON:

Q Mr. Sielaff, excuse me, you cited, I believe, in response to a question, you cited as evidence that the program was working an eight percent, I believe, reduction in -- rather were eight percent less returning to prison who were in the pre-release program as opposed to people who were not.

A Were on parole status during the time of this restriction.

Q Now I have a question about that statistic, and I would first like to point out that the statistic itself may not prove your point because what you have is not a random sample. The percentage of people who get into the pre-release program

presumably, if you are doing your job, are the people who are the most likely to succeed anyway.

A That is not true.

Q Isn't that so?

A No.

Q Well why isn't it so?

A Well, because now first of all when we are talking about the program and the statistics that I just gave, remember it dealt only with community treatment service, that is, the residential program. Now, quite a long time ago we made the determination that inasmuch as a number of individuals went out of prison without benefit of parole, in other words, they served their maximum sentence and inasmuch as we saw among this group a much higher rate of recidivism than those who had gone on parole, we felt that this group was a group that really needed supervision to make the transition. So, a higher risk group; namely, those who are maxing out were admitted to the program and we have not always selected those individuals who were necessarily the best risk. If a man was going out on parole and we felt that there would be a difficulty in terms of his adjustment, we wanted to work with that individual and ease -- his transition into the community because normally the intensive services for this individual are not available.

So among the good risks who have gone out and among the others, I think we have had quite a spread. As a matter of fact, the research did take a look at characteristics of both the group in the residential program and the group on parole, and really found not that much difference in characteristics.

Q Now, if that is the case, and I accept that, and you say what we do have is really a pretty good random sample, then I would like to ask you a question that bothers me and I think bothers many of the people in this system. What rational criteria do you use to distinguish who gets into this program as against those who do not and how do you explain that and bring it home to the people in the system so that they do not feel that it is just completely all irrational and doesn't matter what I do? What I'm saying is, if you are going to have a system of rewards and punishment to change behavior, there has to be some element of predictability and how do you get that approach?

A I think unfortunately I did not get to you our latest directive that enhanced the meeting this morning. But I think that it will be very clear from this directive that there are various criteria that must be applied. You know, I think that we always tend to look for, in making decisions, about people who get into trouble some characteristics whether it be

the crime that the individual committed, or the sentence as being the all impelling/<sup>reason</sup>for making a decision. Where a very strong feeling is that we must take a look at each individual and consider not only the crime and sentence, but many, many factors in terms of their psychological makeup. I was thinking before when somebody mentioned, you know, shouldn't we be making a distinction between the violent offenders and non-violent offenders. The many people who are in the county jails on petty offenses who are really potentially serious criminals and so for us to pick out just one or two characteristics and say it is those upon which we should reach a decision, I think is an approach that is too simple.

Q But it may be so, but what you are telling me essentially is that you can -- either there is not or else you cannot articulate any standard or basis for --

A Oh, I'm sorry if you got that impression, because I have indicated that these are very clearly spelled out in our directive and the element of behavior and adjustment that needs to be looked at are certainly specified very clearly in here, but they are not one or two. There are a number of them.

Q I understand that and I don't expect -- I wouldn't expect to be one or two. So you say that there are standards?

A Very definitely, very complete standards that are

spelled out.

BY CHAIRMAN SCIRICA:

Q Excuse me, just to clarify a point here, Mr. Commissioner. I think that in your prior testimony you gave the impression that these people were randomly selected and I don't think that is the case and I think that was in the minds of some of the Representatives here.

A. I'm certainly sorry that I gave the impression that they were randomly selected. That certainly is not the case at all, and we do have specific characteristics that we use and very specific criteria that are being applied. But, I want to make the point that we do take a look at the individual.

REPRESENTATIVE KELLY: Maybe it would be good if we had -- if we went into the mechanics of this, such as the period of mechanics and the period of the program. Maybe someone could clarify this.

MR. LONINGHAN: Addressing Mr. Hutchinson, I think what you were trying to get at is we have not communicated these procedures to the public.

BY REPRESENTATIVE HUTCHINSON: (To Mr. Loninghan)

Q I'm sorry, you have not at least from what I got from people that are inmates in the correctional institution



if they are telling the truth. I'm trying to cut through some of, you know, what they say. Maybe they have their own ax to grind. But if I'm to believe what they say, you have not gotten across to them any rational basis for selecting one person over the other and this thing disturbs them greatly.

A One -- you know there is no, of course, I would agree to an extent that we have a problem in communications. And one of the reasons is because of the newness, I believe, of the program and the constant modifications as we are sitting here looking at another modification, Bill 310. And I think this can be attributed to any new and reformed type of program, whether it be correctional or whatever. And it is because we do not have the thing totally pinned down to a permanent process and I think we can attribute that to the fact that we haven't totally communicated. But I think as a result of the Governor's Symposium when all elements of the criminal justice system fed in and came out with a compromise which is reflected in this 310 Bill, that I think now we have taken a secure forward step and I think now we are in a posture where we can effectively communicate, not only within the criminal justice system but to the public at large. Just what are the exhaustive diagnostic procedures that put a man back into the community under one of these programs.

MR. SIELAFF: But I think that we really ought to hear from one of the superintendents with respect to your last remark that inmates can't always understand or accept maybe, you know, the fact that perhaps he wasn't chosen for the program and someone else was, indicating that there is no criteria, for example, used. This is a fairly common thing, I think, in corrections. Bob --

MR. JOHNSON: Yes, I didn't hear the question apparently you termed by lack of communication.

REPRESENTATIVE HUTCHINSON: But the question that I am posing and that I am asking is that in the very brief time that I spent in talking to people who were in the correctional system, residents or inmates, they felt, or seemed to feel, very strongly that they could not find a -- they could not find a justification in their minds for why A was picked and not B. And this is not just inmates, and if it is a problem and a serious one, and I commend to you if you want a little monograph on it, Professor Jaffee's book on Discretionary Justice, in which he discusses this whole problem. Now, I would like you to address yourself to that problem, if you will please.

MR. DeRAMUS: I would like to just briefly respond to you and I can respond to you as far as at Huntingdon is

concerned as to what we do in reference to this particular problem. First of all, we are trying, and we have been fairly successful, to program a person individually rather than as a group, and we have a progression of steps for this particular person to follow. For instance, No. 1, if he is deficient in education, we are using the over-all pre-release program as a treatment tool and we are saying to him, before you can progress to pre-release if you are deficient in education and you have the ability, then you must complete your high school or pass the G.E.D. test, or at least let us know that you are progressing towards this particular end. We do the same kind of thing as far as the behavior is concerned. We are saying to the men that we must get an average of, above average, behavior report from your block officers. We are saying the same thing to the work supervisor, to him for the work supervisor, we are saying that your work must be average or above average before you receive these particular reports. So in this progression, we are also taking in terms of outside classification format. We are saying to them that you must at least reach an outside classification of B. We have an A rating, B rating, and a C rating before that you can get involved in this program. Plus, you must be in the institution nine months and you must have completed one-half of your

minimum. These are just some of the criteria that is involved in the program. And it is -- the decision for the man to be recommended is left primarily to his support team, which consists of the work supervisors, block officers and the counselor.

BY CHAIRMAN SCIRICA: (To Mr. DeRamus)

Q How many people are involved in this decision to place a man on pre-release status?

A Well, there are several people involved in this particular decision, but the recommendation comes from the support team. Now the procedure that is followed with this -- the first step is the resident makes application when he is eligible, when he has -- his eligibility is when he has completed the nine months or one-half of the minimum, whichever comes first, not whichever comes first, but those are the criteria. Then the counselor will follow through with his application and first of all he will send a letter out to the Judge and District Attorney, etc. Allow 20 days for that to be answered, etc. Now, after the letters are received or they haven't been received, or there is a favorable report, then he will get the report from the block officers and the work supervisor.

If these reports are favorable from them, then he will take the man before a staff which consists of a correctional

officer, diagnosis and treatment chairman, and also a parole person or teacher in the institution. They will search through the records and they will also make a recommendation to the Deputy Superintendent, well first of all, the case work supervisors for the county. He will go through and write a rationale as to the reasons why he chose the man should be recommended. Then it goes to the Deputy Superintendents, the one to complete and the other for operation. They will make their recommendations and then it goes to the Superintendent for final approval.

Q Does the Superintendent have to approve everyone that is put on pre-release?

A Yes, he has the final approval.

REPRESENTATIVE HUTCHINSON: Essentially that is the system that was explained to me that took place at Rockview and I suppose it's strictly the procedure set up that is generally followed. I have one question, I know these were just distributed this morning, I wondered though when did this administrative directive go into effect?

MR. SIELAFF: There has always been a directive in effect since the time that we started the program. Now, what has happened is that that directive has been refined constantly. In fact, there was one published in the Pennsylvania Bulletin

just on furlough. This today represents the latest refinements. I would hope that in the future as we find flaws in it, we will continue to refine it. Now the procedures that Mr. DeRamus just outlined, you will find pretty much formalized in this directive. These procedures have essentially been in effect since the Governor's Conference because it was then that we reached the agreement with the Judges to provide them with the 20-day notice and the individualized letter explaining the purpose of the furlough, etc. We have in here some -- a lot of administrative mechanical guidelines which have not been available to people in institutions before. We recognize that one of our problems is one of orienting staff to an understanding of this completely so it can as effectively as possible be implemented. We have some 2400 staff people and we have a gigantic training job to do with them in many areas and we are going to try to give them the best understanding possible of this directive.

BY REPRESENTATIVE HUTCHINSON: (To Mr. Sielaff)

Q So that this particular directive in its written form at least is recent?

A Yes, although again the basis --

Q There was a procedure basically similar to this?

A Yes.

Q Which was followed although not spelled out in as much detail?

A That is right, that is true.

BY REPRESENTATIVE LEDERER:

Q Commissioner, Representative Lederer. I would like to ask you a question which I think the victims of crime might ask you if they were here today. Of course, almost invariably they are never involved in the legislative end and judicial process. What controls do you have where an inmate committed a crime of violence but to assure by counseling that he will not return to the scene or the environment of his crime of violence? And I am particularly interested in how I would feel if I was the father of a victim of rape and I went to Court, the man received a sentence, let's say, four to eight years, and then I within a matter of months, even two years, and that's a matter of months, see him walking down the street of my block where my daughter or my wife also have to walk the same street and come upon his presence? What counseling are you doing to prevent that fear psychology, even though he may never come down that street, as a victim of this crime, I would want to know psychologically that under this program these people are not going to come across my family. And I think that's what the victims of crime would say to you today, not

only rape, the victims of vicious assault and vicious robberies, and I think it would be a really fair question to put to you and the advocates of this program.

A Well, you asked first of all what counseling is done on this --

Q Yes, on this particular area if you have any.

A There is an orientation of the inmates before they go out and also a written list of rules and regulations which are explained to them and which they read and sign. We also have involved, I think, the word sponsor was used before, we have a growing program in our institutions where we hope to have community sponsors for each and every inmate. While they are in the institution, they will follow them afterwards too, much as pro-sponsors have but we do involve family members are responsible persons in assuming some accountability for the individual's behavior. There is no legal responsibility that they have, but you know we try to get them to assume a moral responsibility. We also check out the home situation in terms of its suitability. We notify the sentencing Judge not only at the time of application but at the time the individual goes out on furlough, a copy of that letter of notification is sent to the District Attorney, Chief Probation Officer. We give a roster of names and identifying information to the State Police



and I understand then the State Police make that information available to local law enforcement. Now we do not have, in answer to your question more specifically, we do not have anybody who is with that individual constantly. We expect that by the time he is eligible for the program that his behavior has changed to the point where he is not going to be involved with the victim.

Q Of course you expect that, but suppose the crime happened in Philadelphia two blocks from where this man is being returned on his furlough. I cannot see the public accepting this system at all if the man who committed this crime of violence is going to be permitted on furlough to come back prior to the minimum term of the Judge into that very area where he committed the crime. And I think that psychologically every person who has been victimized, and we are talking about thousands of human beings in my county, have a right not to let that man come back into their home area under this program. And I as an individual legislator would not go for this program unless your system would tell that inmate if he has to go elsewhere and if there is no elsewhere, he does not get out. I think the victim's rights are more important psychologically than the rights of that man to come out prior to the minimum sentence of the Judge. And I am saying this to you because you

are formulating a very hard program and an unenviable job for you and your administrators. But I think I speak for the public, they are not here to speak for themselves in this. And this perhaps it's a narrow area, but it is in the area which everyone who is a victim of crime has to think about, especially when they see some of the unfortunates, the rare 92 percent who go out and cause other crimes of violence. And every person has to say, well, is he going to do it again against my family. And I think you have to look into this restrictive area.

MR. LONINGHAN: Could I address myself to you, Representative? Speaking for the community staffs which are community based, part of the process of an individual being placed out in a community involves a cognizant approach by the community staff of the Bureau of Corrections who, of course, are right under the microscope of the community since they are out in the community. And we, speaking from that posture, we certainly are aware of the situation of the crime. We are aware of the notoriety type of thing which I think you are getting into. If such an individual exhibited the qualities and went through all the exhaustive procedures that were just outlined, we, I speak personally from a community treatment in the northeast region in the Commonwealth, do consider him inter-mingling in a situation that might -- it certainly would

not be conducive to his treatment. And we would, through our method -- methodology of counseling in a group and individual counseling deal with this and we have, we are continuing to deal with it, and we don't suggest that this individual present himself to the person who he offended, who he burglarized or, as you pointed out, assaulted. That is a commonsense type of counseling that does take place. Reality therapy, whatever name you want to put on it, it does take place in community treatment and we do deal with it. And if the situation was serious enough and at times we would suggest that the individual not even return to that particular community. So that is part of our process of counseling in the community and it is an area that we might not be able to document in our administrative directives, but it is part of the behavioral science approach to re-entering an offender into the community.

MR. SIELAFF: I don't know how practical it would be, Mr. Lederer, to refuse everyone furlough if their home is in some proximity to that of the victim's. I think we can be sensitive to it. I can recall some instances where Judges have written back and said, I will approve the furlough, but I don't want the individual going back to a particular place. If he goes elsewhere, it will be approved. I think we can pick up some of the sensitivity through our investigation of the

community and the home which is what we attempt to do. But, by the same token, that very person that he might be guilty -- refusing furlough to might two weeks later be released on parole and be right back in that home. And I don't -- you know I wonder -- I think we can be sensitive and guard against it, but I think we also have to be realistic about it.

BY REPRESENTATIVE LEDERER: (To Mr. Loninghan)

Q Could you tell me what type of centers you have in Philadelphia County today, if any?

A Yes, we have currently established two centers functioning for males in Philadelphia right now and we have an additional center being finalized in the City of Philadelphia for males and a center exclusively for women being finalized. So prior -- by the time July occurs, we will have four functioning community based treatment centers in Philadelphia proper.

BY REPRESENTATIVE SCHLAFFER: (To Mr. Loninghan)

Q Did you have a center at the Y.M.C.A.?

A Yes.

Q Did you close it?

A Yes I believe that the location had been changed, yes.

Q Why did you close it at the Y.M.C.A.?

A I think there were a number of reasons. One of the basic ones was the condition of the building and it is not conducive to our type of program. We couldn't get it --

Q It's still operating as a Y.

MR. SIELAFF: I think it is probably barely. Because they were in a great deal of financial trouble at the time that we first entered into the --

REPRESENTATIVE SCHEAFFER: I think it would be good enough for a Y, it would be good enough for your program.

MR. LONINGHAN: Well let me just comment on that. Scranton, my personal experience was that we were in a Y and they condemned the building and we had to move. Some of the Y's, the Y.M.C.A.'s are, you know, centuries old and are coming down. I believe in Philadelphia the situation which I was personally there several times and the conditions were intolerable as far as, you know, cleanliness and health-wise and the people who we were leasing from would not co-operate.

CHAIRMAN SCIRICA: Excuse me, gentlemen, if we could break off for just a second here. The District Attorney from Philadelphia has consented to testify before us and I know he has got a pretty tight schedule today. I know that there are a number of Representatives who still have some more

questions for the Commissioner and his staff and, with your indulgence, if you would be kind enough to wait, I think the District Attorney would like to make a statement perhaps to -- would like to get off on Philadelphia at that point.

Mr. Specter, the District Attorney from Philadelphia.

ARLEN SPECTER, called as a witness, testified  
as follows:

MR. SPECTER: Mr. Chairman, ladies and gentlemen of the Committee. I appreciate the opportunity to appear before you today to testify about the proposed legislation on the pre-release and furlough program and I'm especially appreciative of your moving me up on the program. Although I must say that I have enjoyed hearing the testimony which has been given earlier today and find it very illuminating in the terms of the application of the program. I think that the proposed legislation is a sound first step, but there are a number of additional steps which I personally would like to see the General Assembly take in terms of approving the application of a pre-release and furlough.

I believe that the pre-release and furlough program is basically sound in principle, but I have substantial questions as to the way it has been applied. I think that its basic

thrust is accurately stated as a point of re-entry into the community. And as I had originally understood the operation of the program, if you took someone who had a five to ten year sentence when they were perhaps at the point of four years and two months or thereabouts, that they would then begin to receive week-end furloughs to integrate back into the community. And that there might be then some discount from their minimum sentence when they came reasonably close thereto, that that would be the staged re-entry which was contemplated by the furlough and pre-release program. I have been concerned about its application in terms of what I conceive to be a multiple discount system which applies to what are initially basically light sentences and I speak now with an orientation of Philadelphia County where it is not uncommon to have someone convicted of homicide, say, voluntary manslaughter, or even second-degree murder, and receive a sentence in the range of two to ten years or for that matter in some occasions, probations, which naturally doesn't affect this topic, but a two to ten year sentence is inordinately light in my opinion, based on the facts that you have. Or, in some occasions, a sentence in a similar range, two to ten years, rape or sometimes for aggravated robbery, someone with a very bad record, with a series of aggravated robberies, something in the three

year to twenty range. I have a series of cases which I could be very specific on.

I think when the sentencing Judge imposes that kind of a term, he is basically anticipating that the parole authority will begin to take a first look at the individual after he has served the minimum sentence, but will have the authority to keep him in for a much longer period of time, depending on the circumstances of that individual. And, I've very frequently heard Judges say, as for example, on a three to ten sentence, well the sentence is ten years, not three years, and I would expect, so says the Judge, that if the man is not rehabilitated at the end of three years, which may well be the case, the Judge continues to state that he would be kept there up to the maximum of ten years. What concerns me about the application of the pre-release program is the pattern which may be developing and I see a fair number of cases which suggest to me that it is, although I do not have Commissioner Sielaff's expansive statistical base to work with. But I am concerned there is a pattern developing of starting with one-half of the minimum sentence and moving toward that as a standard for a pre-release program. And as it applies to Philadelphia where there are light sentences to start with, I conceive that to be a very substantial danger.



I am concerned in even discussing this matter of the one-half of the minimum with respect to the fact that that is only a recently adopted standard for the Bureau of Corrections. That as recently as November 13 when there were very expansive hearings held in Philadelphia in connection with the case of William Cornish that the Bureau of Corrections did not have that standard in effect. And I had occasion on the complaint of Judge Shoyer to make an investigation personally on the case of Commonwealth v. Ronald Johnson, who was released much in advance of the one-half of the minimum, which release was put into effect on November 22nd, 1972 and I can give you details from that. As a matter of fact, I talked with Superintendent Johnson and communicated with Mr. Sielaff on that program so that I think as you have already noted to some extent that it is an involving standard and even the requirement of one-half of the minimum is a recently instituted standard. So that in approaching the problem, while agreeing with the philosophy, properly applied I am concerned in terms of the administrative problems which I would submit to you require very substantial checks and balances.

In saying that, I want to express my confidence in Commissioner Sielaff and his staff. I have had substantial contacts with Mr. Sielaff and I believe he is approaching the

problem of rehabilitation in Pennsylvania's antiquated prison system with the best of motivations and real industry. I think he faces a Herculean task and I think that the General Assembly is going to have to address itself ultimately to many more fundamental requirements of our State Correctional System. I think if you take the time to tour Pennsylvania's prisons and take a look at Western, for example, which is hardly correctional at all, or review the programs at Huntingdon or Rockview, or problems that exist at Camp Hill, or problems that exist at Dallas or Graterford for that matter, finally got Eastern closed up just a couple of years ago, and it was in existence since 1829, you will see there are really enormous and fundamental problems in terms of the State Correctional System. And I know that in working on pre-release and furlough programs that if the Commissioner of Corrections and staff are trying with what they have to work with with something that is very inadequately findings in the state-wide correctional system, really have grave and material problems. But even that being so, it brings you down to what you can realistically achieve with the pre-release and furlough system. And I believe that there is a necessity for more checks and balances within the pre-release program.

One check which I submit is necessary is to allow

the District Attorney a greater role in the review process. Now, as a result of a number of suggestions which have been made by my office and by other District Attorneys, we are now appearing in the new type on the proposed amendment so that we do receive notice. I would submit to you, respectfully, the notice provision in and of itself is not really sufficient. I would not suggest to you that the District Attorney's office ought to have the veto power as does the Court, because I think the central responsibility for sentencing is in the Court. And my office had initially proposed legislation which we submitted to everybody in the General Assembly last Summer on this matter, asking that this power to change the minimum sentence be vested with the Court, require that the District Attorney's office get notice, and let the District Attorney have an opportunity for a hearing before the Court. I would submit that with the placement of the ultimate responsibility in the Pardons Board that the District Attorney ought to have something more than notice, he ought to have an opportunity to request a hearing if a case is sufficiently agreed so that the District Attorney feels that that is necessary. Under the current drafting of the legislation, if the Commissioner of Corrections, the Bureau of Corrections, and the sentencing Judge are able to come to an accommodation, that is all there

is to it and I think that there is great merit, as Judge Dowling has suggested earlier today, in the value of open hearings and public proceedings so that people can see what is going on in an individual case. And I am not suggesting at all that there is anything in the best of motivations that these cases do present areas for disagreement so ultimate facts and this is a matter of daily concern of mine and my office in Philadelphia where we have disputes on a regular basis with the sentencing Judges as to what is an appropriate sentence. And if there is to be a further procedure where the minimal sentences are going to be reduced and we have no opportunity to be heard or to speak up, then I am very much concerned about that procedure.

There is a second area of concern which I have and that is on the conflicts between, or perhaps conflict is too strong a word, disagreements between the parole authority and the Bureau of Corrections. I have noted a number of cases, and here again I can be specific in terms of the experience where the parole authorities have reviewed cases and have declined parole. Now this is a very involved subject and perhaps I ought to back up just one second in terms of the basic rules here. The parole authorities come into play when the defendant has served his minimum sentence. As for example, if there

is a five to twenty sentence, then the Parole Board has its first opportunity to release a man when he has served his minimum sentence. Under the existing legislation, the Bureau of Corrections has the authority to pre-release at any time subject to their own internal regulations, which they say are now one-half of the minimum. But, it is a matter of substantial danger signal to me when a man has served his minimum and he has applied for a parole and the parole authorities have refused to release him and then he applies for pre-release and the Bureau of Corrections releases him at that stage. There is a provision in the amended Act which says that after service of a minimum, the Bureau of Corrections is required to give notice to the sentencing Judge, but as you will note, that provision stops, so to speak, in mid-air at that point and there is nothing that the sentencing Judge can do beyond that point and perhaps there should be nothing for the sentencing Judge to do once the minimum has been served, because the Judge has had a chance to speak, the minimum has been served, and really at this juncture is a matter for the parole authorities. But I would prefer, at least in cases where the minimum has been served and the Parole Board has declined to release a man, not to see the ultimate authority then vested in the Bureau of Corrections, because I would presume that the

parole authorities have some very good and valid reason for their decision not to release.

On this subject, I think that this program faces enormous obstacles in the administration by the Bureau of Corrections in educating, I forget the number, 2800 men, Commissioner Sielaff, in your correctional system?

MR. SIELAFF: Six Thousand.

MR. SPECTER: Six Thousand, more than twice as big as I had thought at 2800, but in establishing policies and practices which can be efficiently and sensibly administered by the Bureau of Corrections and I have considered myself the possibility of legislation which would require that the Parole Board pass on application before a man is subject to pre-release at any time. Now, in making this suggestion, I appreciate the fact that this would impose a very material additional requirement and would tie the hands very substantially of the Bureau of Corrections in implementing a pre-release program. But I make that -- I toss that suggestion up in the air for your consideration, because I believe that the Parole Board has acquired very substantial expertise in functioning over the years. And as I see the application of the pre-release program, I note very material problems of administration which are inevitable in a program of this size

with as many factors to consider as must be considered and as many people involved as are necessarily involved.

Judge McDermott conducted these extensive hearings as I alluded to a few moments ago, in the case of William Cornish back on November 13th, and Cornish was a man who had been sentenced two to ten years for voluntary manslaughter and who had then been convicted of holding a hostage and rioting in the Holmesburg prison back on July 4, 1971. And while he was in a sentence-deferred category on the subsequent charge, even before sentence he was granted a furlough, and Judge McDermott was very concerned about that to state it minimally and scheduled a hearing and came to the conclusion, as reported to me, the notes of testimony are not yet transcribed which is a source of great chagrin to me, we have proceedings in Philadelphia of this importance on October 13, 1972 and when there is a hearing for this Committee on March 6, 1973 that I cannot have access to them "with specificity" to present them to this Committee. But he has reported to have said at the conclusion of the hearings that after he imposes the sentence or the Judge imposes a sentence and then it goes through the Appellate procedure up to the Supreme Court of the United States, that if the subject had been in reverse by a social worker and block guard and the conclusions that Judge McDermott came to

were quite harsh in his evaluation on the pre-release and furlough program at that stage. I would like to submit those notes to this Committee as soon as they are transcribed for whatever guidance they may have.

CHAIRMAN SCIRICA: We would be happy to receive them.

MR. SPECTER: Superintendent Johnson testified at that time very extensively and I think they would have to be received subject to the understanding that they represent the administration of the program at a time when it was substantially less refined than it is now and there have been marked improvements in the course of the last few months.

I have only one other brief comment to make and then I shall conclude. That is in line with some of the other things that I have said that we now have a very curious multi-agency review problem in the prisons, which I personally think is inordinately complex and vests responsibility in too many different agencies. When you move beyond the area of sentencing that has to be with the Courts unless we go to panels to change that, and that of course is a fundamental proposition. But beyond the level of sentencing by the Court we now have the authority of the Bureau of Corrections on pre-release or release as they choose, you have the parole authorities who



have overlapping jurisdiction with the Bureau of Corrections on pre-release as soon as the minimum is served, and then you have the Pardon Board, which has authority to commute the sentence, which means the changing of the minimum or the maximum where a man has served the term, a man or woman is sentenced to a term of years. That is subject to refinement for women who have different sentencing or to change a life sentence. And I think it was fairly complicated in the days when there was just a Board of Parole and a Board of Pardon when an application was made for example for commutation of a life sentence or a minimum sentence on a term of years, they received both the Pardon Board approval and then subject to a parole plan and now the picture has been further complicated by the Bureau of Corrections. And I think one day the General Assembly is going to have to address itself to the over-all problem and perhaps vest authority really in one body to have the final say in all of these matters because it is now very complex with overlapping authority and responsibilities.

BY CHAIRMAN SCIRICA:

Q I would agree with your analysis of the overlapping jurisdiction among the various state agencies that have the power and authority to release people for one reason or another, or to reduce and commute their sentence. I know that

the Governor's Attorney General's office at this time is working on a Bill that is supposed to provide for a unified department of corrections in the state for the first time. How it will address this particular problem, I am not yet sure. But I wonder whether your recommendation, and I think it is a good one, to have ultimately one body that is responsible for these decisions would square with your earlier comments about having the Board of Parole put into the decision-making process to review people put on pre-release status.

A Well, Mr. Chairman, it would square to the extent that one unified agency would comprehend within it the experience and expertise of the Board of Parole. That agency has been in existence for many, many years. It has functioned in a large number of cases and has built up a very substantial experience and it may be that in the final analysis their personnel with their practices and their policies could be integrated to be the decision-making body within the Bureau of Corrections on a form of pre-release lines.

Q I would assume that the way that the Board of Parole is set up right now as an independent agency and having people on it who were not specifically under the jurisdiction of the Attorney General or the Commissioner and so at least supposedly have somewhat of an independent base to operate

from, would be more pleasing to your eye -- to the idea that you proposed here that having these decisions made by the Bureau itself or by some other agent of the Attorney General, is that correct?

A Mr. Chairman, I would be willing to vest the ultimate authority with the State Attorney General on an administrative re-organization. I think realistically today the Board of Parole has no more authority because their judgments can be undercut by the Bureau of Corrections. If the Board of Parole chooses not to release someone after the service of a minimum, the Bureau of Corrections has the authority under the statute to release themselves. The Bureau of Corrections has far greater power than the Board of Parole because they need not wait until the minimum has been served and may release at any time subject to its own self-imposed regulations on one-half of the maximum. So that if you take the independent power of the Board of Parole I think today that it lacks that authority totally.

Q On the matter of the District Attorney participating in the decision-making process concerning the pre-release status of any resident, when the -- if the matter gets up to the Board of Pardons because the sentencing Court and the Bureau of Corrections cannot agree on a proper disposition, then Senate

Bill 310 does propose that the District Attorney can appear and be heard at that time as well as any other interested parties. Do you think that he ought to have -- that any District Attorney should have the power to be heard before the Bureau of Corrections prior to that time?

A Yes, I do. I think that there should be an opportunity to be heard, but I would not choose to be heard before the Bureau of Corrections if I had my choice, because there tends to be too much of an adversary relationship as the cases revolve, in a friendly, courteous spirit I might add, with the ultimate authority being lodged in the Bureau of Corrections. I would prefer to make my argument to the Court, which has imposed the sentence in the initial case. But if there is not to be the ultimate authority vested in the Court, then I would want the right, as District Attorney, to take the matter to the Board of Pardons or to whatever agency has the ultimate responsibility.

Q On parole matters at this time, does the Parole Board contact the District Attorney's office on every case where they are considering parole?

A No, they contact us on a great many cases and the practice has evolved over the years that the parole application has been so restricted and it has not been applied until the

minimum sentence has been served that there has been, as a matter of practice, relatively little participation by the District Attorneys across the state only in the very unusual cases.

Q Are the sentencing Judges contacted by the Board of Parole to your knowledge?

A I do not believe that they are. Certainly they do not have to be under the law. Perhaps Judge Dowling --

JUDGE DOWLING: No, not to my knowledge. Once they have served the minimum, that is supposedly the term we feel that they should spend in prison and then it's up to the Pardon Board or Parole Board.

BY REPRESENTATIVE DOYLE:

Q Mr. Specter, the reading of Senate Bill 310 would indicate that the prosecutor's office, particularly the District Attorney's office, is notified initially and that he has input at least as far as the Judge is concerned, and if the Judge -- he puts an objection to it, then from that point on unless there is an agreement between the Judge and the correctional officers or system, then it goes to the Pardon Board, you don't have the say and is this your objection? Once it gets to the Board of Pardon, then you are intended to participate in the hearings. But is it this specifically that

you don't have any veto power so to speak over what the sentencing Judge might do? I take it the sentencing Judge can disregard your recommendation. Is that it -- is this what your complaint is?

A It is not the absence of the veto power because I can say candidly to you that the District Attorney should not have veto power. He is an advocate, I think should have only an opportunity to be heard. But there is no provision under this Bill for the District Attorney to have an opportunity to be heard with the sentencing Judge. The sentencing Judge may listen to us informally if he chooses to do so, or he may not listen to us. We even have a hard time on sentencing initially getting the Judge to listen to us on many, many cases in Philadelphia County. So that we have no right to be heard and I think that is very fundamental. I don't want a veto authority for the District Attorneys, but notice is only step one. Notice is fine, you have to have that, but if you do not have a right to be heard, I think the District Attorney is cut out of a very material aspect of procedural due process.

Q Well, would your recommendation be that a written objection from the District Attorney's office should also be built in as well as the sentencing Court, is that what you are --

A. Yes, I would ask that at some stage the District Attorney be given a right to be heard. It could be done in one of two ways. One way would be where the Judge does not lodge an objection, but the District Attorney does and the Judge would have to give the District Attorney a hearing before the Judge makes a final decision not to lodge an objection. If that is considered too cumbersome, then the District Attorney could be given a right to lodge an objection which would entitle the District Attorney to a hearing before the Pardons Board.

Q. One further question following up since it is -- you are an advocate and it is an adversary proceeding, there is nobody except the correctional officer or the institution representing the individual inmate or resident, would you also allow or permit or suggest that it be allowed or permitted that the individual inmate have representation as well? There is no provision in this Bill that the individual have representation anywhere along the line.

A. Well, I would not suggest, speaking for myself, any limitations on an individual's opportunity to have counseling. I think as an administrative matter, you are going to become overwhelmed with the pilfer of defendants' rights if you start to object right to counsel and the full range of rights at

that stage. We have gone through expansive litigation as to defendants' -- as to convicts' rights before the Parole Board in terms of review of parole decision and the whole issue. I believe also right to counsel there. So that I think our experience by analogy to parole proceedings would be that we would not be giving the inmate any additional rights such as the right to counsel and I think the rationale would be that he has received a sentence and any improvement is going to be a new privilege or a new right which is accorded him over and above what he has already received. But I would not want to actively oppose any suggestion that anyone would make about a right to counsel at any stage in the proceeding.

BY REPRESENTATIVE KELLY:

Q Mr. Specter, I can't help but think we are drawing a comparison here of apples and oranges between parole and furlough. Now, for example, in Western Penitentiary we have 80 inmates a month involved in the furlough program. This ranges from release from a day to a week end up to a week. Now I don't know how this would expand across the other institutions, but I assume at full steam we could have 500 or 600 inmates involved in such a program. I see a wide difference between a furlough and parole. So to so speak remove the authority to decide who shall receive a furlough from corrections and vest



it with the Parole Board, it seems to me again another block in the bureaucracy. It would make it all but impossible to make a decision relative to the individual's response to the rehabilitation.

A. There is that difference between furlough and parole, but there is not that difference between pre-release and parole. When you examine the concept of pre-release and parole, you are dealing with apples and apples.

Q. But furlough is only one of several pre-release programs. But I think you have to be specific when you talk about release to the community treatment centers, long length -- lengthy furlough, I can see that when your pre-release program approaches that of a parole of the inmate, then perhaps you might want to vest that authority with the Parole Board. But, from my experience in the institutions that I have visited to remove -- the Parole Board has a very difficult job as it is right now, to remove so far from the day-to-day activities and life of the inmate is a decision as to whether or not he will be exposed to the community for a very short length of time. It seems to me to be a very hazardous step and a return to a situation years back.

A. Representative Kelly, I would supplement my answer on pre-release being identical to parole when a man is ulti-

mately released, say, after half the minimum. There it is just on all fours with parole. But even after the issue of furlough and I have some cases where men are turned down for -- by the Parole Board and then they are furloughed and they do not return and get into some sort of difficulty. I do not wish to over emphasize the specific cases because there are broad principles involved there if you have had the Parole Board having reviewed the case and found factors in the man's background or his makeup which they feel constitutes danger signals, then I do not think that it is sensible to vest the authority in the Bureau of Corrections to even have the release for a brief period of time under a furlough.

Q Well, we would have to go back to the experience that we have had at Western Penitentiary. And I think that of the -- our recidivism rate is hard to judge in relative to the first, second or third offenders, but at Western Penitentiary I would guess it must be around 50 percent, half of those men have been in prison before. Of the 80 here that are involved in the furlough program, there is one or two a month. These are generally returned to the prison very soon thereafter and have not had experiences of damage to the community. Now it will be a long time yet before our judgment could be made on the efficacy of the furlough program in this insti-

tution. But my observation is that it certainly got to be worth the efforts that we are making at this time that the results as of today lead me to believe that we should continue to vest this responsibility for short-term furloughs with the Bureau of Corrections.

A. Representative Kelly, to come to grips with that specific problem how many -- what is the experience on the furloughs with men who have been turned down for parole by the Parole authority. That is the way to come to grips with that particular statistic. And I do not have a comprehensive statistical base. I could give you a specific case where a guy was turned down by the Parole Board, Raymond Thompson, he was furloughed for a very important purpose to attend his father's funeral. He did not attend the funeral, he skipped and was later arrested for armed robbery in Philadelphia. But I am now referring to that limited extent, specific cases, where the parole authorities have turned him down and I would think with some good reason.

I am interested in your preliminary statement as to what is the recidivism rate. I think it is an appalling fact as we sit in this legislative hearing and do not know what the recidivism rate is. And as I understand the facts and have questioned the superintendents of every prison in this

state, there are no statistics maintained on what happens to every man who leaves the prisons. The Commissioner of Corrections is here. He can correct me very promptly if I am incorrect on that. And that is the problem, not only in Pennsylvania, and this vastly precedes Commissioner Sielaff's appearance at the scene here, that the same thing applies to the Federal authorities. I asked the Warden at Lewisburg when I was there a couple of years ago what their experience was and there is no check-up on what happens when a man leaves prison. We do know in specific cases when a man is re-arrested if he has been to prison. But I do not see how you can begin to make intelligent and form judgments on what rehabilitation programs are successful if we do not know which men succeed and which men fail after they leave.

Q I think you have hit the nail on the head right there. There is -- I think the greatest weakness in the whole system, we found this to be true, particularly in Y.E.C., youthful centers in the rural community, it is absolutely impossible to keep track of them with the present resources and pass judgment on whether or not the Y.E.C. programs have been effective in stopping these individuals from proceeding on to intermediate or senior corrections. This I suppose will require a great deal more of our resources. The most striking

aspect I think of the visits to any one of our institutions is the fact that if you ask the majority of the Wardens what the recidivism rate is, the common response is, well, I recognize about 50 percent of the men here and I think that is what our rate is. This is the kind of effort we have to make.

CHAIRMAN SCIRICA: I would like to note the presence of Senator Rovner of Philadelphia.

REPRESENTATIVE LEDERER: Mr. Chairman, if he desires at this time, I think Mr. Johnson may be able to enter this discussion, if you desire, from your experience about it.

MR. JOHNSON: Yes, I would be glad to make a few comments. I would certainly be in support of Bill 310, because, in effect, I think it solidifies what the Bureau is currently doing in terms of its criteria of prison release to time and notice. I would like to speak about my experience operating the furlough and pre-release program at Graterford.

I see these types of programs as being extremely important to correctional administrators today for a number of reasons. One, a very basic one is tied to human behavior. People need hope, no matter who they are. You can call it the bleeding-heart approach to life, but I don't see it. It's a pretty hard-headed observation I think that the man who is in prison or the man who is whatever needs some kind of hope. And

I think the pre-release program has given that kind of hope. Sure, he might look forward to one day of being released, which is that 99 percent will come out one way or the other, they are going to max out. But I think if we view it as more than Wardens and I view myself as more than just a Warden, a keeper of men, then we have got to have some tools to work with men who are in our custody. We do have custody, it is one of our responsibilities, it is one of the main ones. But it has to be more than that if we are going to send out to the public people who have been in our custody and send them out in such a condition they are going to be less of a danger to you. We recognize they are going to come out. Those who would advocate only punishment, I tend to disagree with it. Prisons by themselves, the way they are modeled, you are bound to have punishment in them. The way they are set up there has got to be punishment. Any time you take a man's freedom away from him, he is being punished. It is not necessary for a Warden or Superintendent to put them on bread and water, engage in corporal punishment, the punishment is there. I think punishment, the way I think some of the public would have us perform it, would tend to make those men worse than they were when they came in and some little shopkeeper will suffer because of it. Then the task --

REPRESENTATIVE LEDERER: I hate to interrupt you, but could you address yourself, in case Mr. Specter has to get transportation, to your observations on recidivism.

MR. JOHNSON: Recidivism, well Mr. Specter mentioned specific cases from Graterford and I would like to comment on those if I might. He mentioned Raymond Thompson had been denied parole. I don't have those records before me so I'm not aware of the facts, again in that role I'll mention the fact that in fact Thompson did not come back. With regard to Mr. Cornish, he had been placed in our pre-release operation on furlough operation primarily because we did not have, we had a construction notice I suppose, but we did not have actual notice that there were detainers on Mr. Cornish and he had in fact gone out several times and come back from furlough before he finally absconded. I have the same problem with recidivism that most of you have here, that it is a pretty indefinite thing. Like if I'm asked as to what the rate is, I state from 45 to 70 percent. I think we should have some greater research in institutions to come up with some harder figures. There have been comments here about the success of a man on parole being much better if he participated in the release program because I would agree with that and the same as we had before.

REPRESENTATIVE LEDERER: We had previous conver-

sations and I thought it connected with what Representative Kelly stated here the great desire to talk about what happens about the inmates that come back into the prison and Mr. Specter has vast experience in this field and I was trying to tie it up at this area of our discussion. With the Chairman's permission, I would like to ask Mr. Specter a question.

BY REPRESENTATIVE LEDERER:

Q Mr. Specter, I made reference earlier to what I thought a citizen who was a victim of crime might say if he were testifying today. What would your observations be concerning permitting men involved and convicted of violent crimes then coming back under furlough, I mean, we will just say furlough, to his home area where the crime was committed?

A I think that he should not be returned there on any reasonably brief period of time. I realize that places a burden on the man in terms of where he is going to go. But when you have a rape case where it's forceable and a man gets two to ten years and then he is furloughed at a point below that minimum, then I think his presence back on the street in the hypothetical which you posed is very detrimental to public confidence and law enforcement. I think it is very detrimental to the public confidence and the administration of furlough or pre-release program and I think it has very dangerous potential



to the ability of that man himself to have a worthwhile experience on re-entry. And I know that it is hard to say you cannot go back to your home area, if this home area had been the site of the rape, but I think that is something you have to deal with and special pains would have to be taken in those circumstances by the Bureau of Corrections to find some place else for the man to re-enter. If you could also send the men back to some place other than the scene of the crime and their own environment, I think that would be ideal. It places a very heavy additional burden on the Bureau of Corrections, but I think it ought to be undertaken in the analogy in the hypothetical you pose.

Q A subsequent question, under the present system if a Judge sentences a person to the County prison for a term under two years and it is thought that on proper review this case -- the sentence should be reduced then on Petition the Judge and the District Attorney and the counsel for the person would have a hearing. And then the Judge would make a decision whether or not he had done certain things or whether there were other factors in his favor, employment, education, sponsors, to permit a reduction of the sentence. Doesn't this system of pre-release really run contrary and should not, if we are going to have pre-release on the state level, we have the hearing be-

fore the Judge in the same manner where he sentences the person to the County prison? Because I can see the man going to the County prison for what is obviously a lesser crime against society and remaining up to 23 months than a man going to a state prison and walking out in one year or one year and several months. It would seem to me that where they are saying we are creating a system this very policy permits a man to commit lesser violations to remain in jail in given cases at longer periods of time than the men who are usually repeaters being sentenced to the county -- to the state system. And that would just seem to me to be an unfair system on the imposition of Judges -- Judges sentencing. And isn't it all getting around to the fact that we need a proper sentence standard when the Judge looks down at the man and is going to impose a term of years, whether he is doing it for a deterrent or whether he is doing it for a rehabilitation philosophy or a combination, shouldn't the Judge know before he puts that sentence in effect what does the state offer this man in the way of education, technical job training, counseling, psychological studies, so that I can impose the proper sentence than taking a calculated risk?

A. Yes. Representative Lederer, when you pick up the web of the problem it is never ending. It flows and ex-

pands. And you have accurately stated that you can have inconsistencies. If a man receives 11 and a half to 23 months, which is a popular county prison sentence, the total authority remains with the Judge to impose the sentence. You can have another man who receives a sentence of six months to five years and that authority would then be vested with the state authority and the pre-release principles would come into operation. So that there would be inconsistencies. That is why on the legislation which my office submitted to the General Assembly last Summer, we asked that the power be vested in the sentencing Judge. And when you move into the issue of disparity of sentences, I think you have one of the really fundamental problems, perhaps beyond the scope of this legislative Committee at this time. But I have come to believe that the real answer lies in the state-wide sentencing panels. Perhaps arising out of my own frustrations because of the inadequacies of sentences in Philadelphia. But, it is certainly true when you pick up part of the web, it is never ending.

Q Should there not be input on what I thought dooms-day finally -- mainly affects what the Commissioner said, a man who did not receive proper education or listen to reason, men who have no technical employable skills, they are the men appearing before Court -- before the Courts in a vast majority

of cases. Should there be on doomsday some way of having the input of what the state system can offer before the sentence is imposed? You stand there with these men. They are victims -- they have committed a crime, they are guilty now. No one even after all the appeals, no one is going to argue any more, he's a burglar or he's a K. and A. burglar, or he's on some type of dope and he commits these things and gets locked up usually within 12 hours.

A You shouldn't say K. and A. burglar, Representative Lederer, you are going to have to be less colloquial here in Harrisburg. That is Kensington and Allegheny which is the center of the biggest burglary rings in the history of man in Philadelphia.

Q And we bring them in by the hundreds in K. and A. and we process them and back they come. What I say was, should not that Judge have in his possession on doomsday the knowledge of what the state can offer, what they are -- what they are placed to have in effect so when he makes the sentence and he looks at this specific individual he can impose a sentence which says the counseling service, study take so many months, there is probable job opportunities, we have a pre-sentence investigation and he may be qualified to take certain programs if he has the desire and now he can impose sentence.

Because if you do not work out, the minimum doesn't have to be obeyed. Then we can say, all right, you're getting three years, you are going to take these courses which are available. That is up to you, you are going to take the training and then we will see what happens after you spend your time in this institution rather than imposing a sentence and not having any idea what will be done with him, what services are available.

A. Representative Lederer, you now reach some of the very fundamental involvement. And I think because of the absence of all those items of information the men are sentenced to the Bureau of Corrections and they make the decisions as to disposition. I have a group of students at Temple Law School and two of them have been traveling around the state to make a guidebook on juvenile institutions which there is no place any Judge can get in one compendium all the places you can send a juvenile to. And what your question really turns on also is the quality of the Judge who imposes the sentence and this might not be an inappropriate time to suggest that confirmation of Judges be lodged as well with the State House of Representatives as with the Senate whether they can judge them or not.

BY CHAIRMAN SCIRICA:

Q Mr. Specter, I would like to go back to the Bill for a second. And this deals with the notification of the

sentencing Court and the District Attorney's office when the Bureau wants to put a man on pre-release. Would it be fair to say that when your office got notice and you had an objection, that you would either write a letter to the Judge or go to see him personally. Perhaps you might send one of your assistants if it were a case of great importance to talk to the Judge to lodge your objections on this. I'm asking you how your office would handle a notification from the Bureau that a particular resident is being placed on pre-release status and you had an objection to that.

A Our procedures are that the notices come to Mr. Eolsky, who is here with me today, who is the Chief of my Adult Prosecution Unit. And he then makes an assignment, if it's a homicide case to the Homicide Division, if it's a major case, rape or robbery, to that unit, or if it's a felony case, to that unit. It is a gigantic administrative matter for our office to undertake to review these cases on top of all the other administrative responsibilities that we have and I realize that it is necessary. And I am asking for this notice and an opportunity to be heard, although I would vastly prefer to have administrative checks and balances that did not necessarily involve the District Attorney's office. But, we handle it back to where we can to the assistant who tried the case and

we then confer with the Judge and I have a great deal of correspondence flowing back and forth between our office and the Court's.

Q Do you think that you would have any better chance of persuading the Judge if you had a hearing before him than you do under the present circumstances?

A Yes, Sir. There is nothing like the open wide affair hearing where people can come in and newspaper men can be present and victims can appear if they choose, and argument ensues and then a deliberated judgment is reached. That is the whole concept of Anglo-Saxon jurisprudence of the hearing. It is just as fundamental as any principle. That is why we are here today at this hearing. Out of this will come some greater understanding, an open airing of the considerations as opposed to a meeting in some closed session somewhere or exchanging notes.

BY REPRESENTATIVE HUTCHINSON:

Q Excuse me, Mr. Specter, aren't you a little concerned if you go to the point of having a formal Court hearing on this situation that you may import some procedural safeguards on the other side that may create some problems for the system as opposed to going into the administrative process? As I understand the law right now, the decisions generally, whether it is parole, pre-release, or pardon, the

decisions in that area are pretty much in the unfettered discretion of the authorities by the case. And I know logically there shouldn't be a difference maybe, but once you get into Court, it seems that is when all your due process rights tend to get imported into these, doesn't that concern you today?

A Well, yes it does concern me but to the extent that the defendant is given a right to be heard, so would the Commonwealth have a right to be heard, and I would zealously guard our right to be heard and would be willing to have equal status afforded the defendant.

Q That gets us into the other problem about really the very serious breakdown we are undergoing because of the inability of the Courts to process adequately and quickly.

A Yes, that is very fundamental to that and very cumbersome, but when you come to these cases, when you come to the cases which are relatively few now, where there are state prison sentences imposed, those are the danger cases and I would prefer to see this General Assembly totally revolutionize the Criminal Code and concentrate solely on the rapes, robberies, and homicides and give us the time to give that attention and if we must do so, when we order our own priorities that is where I want to spend the time.

REPRESENTATIVE HUTCHINSON: Thank you.



CHAIRMAN SCIRICA: Are there any more questions for Mr. Specter?

(No response)

CHAIRMAN SCIRICA: Thank you very much.

(Witness excused)

CHAIRMAN SCIRICA: I know that there are some other questions that some of the Representatives would like to direct to Mr. Sielaff, Mr. Ted Doyle and maybe some others.

BY REPRESENTATIVE DOYLE: (To Mr. Johnson)

Q Just following up, first I would like to ask Mr. Johnson as a prelude, when we were in Graterford last year, I was under the impression that the statistics that you gave me for Graterford on violation of furlough was less than one percent, is that correct?

A No, the figures I gave you, Sir, were that the failure to return from furlough was running 2.8 percent at that point. It moved about three percent now. It was less than -- it was about .1 percent men who committed crimes while on furlough.

Q Well then were they -- they were returned even though it was involuntary? In other words, they were caught and then

brought back maybe as --

A No, the return rate were those who returned voluntarily, 98 percent.

Q Well the other question I had is, it was asked before, I thought I had asked, it was brought up by Mr. Specter, but in evaluating the whole program, in other words, the furlough program, the work release, pre-release programs in its entirety, in order to come up for an evaluation, it would seem to me that not only we would have to know the recidivism rate but you would have to know it also. Why is it so difficult to get these statistics?

MR. SIELAFF: First of all, we do have a rate of recidivism that is quoted by the Board of Probation and Parole. Now, without placing any value judgment on whether that is right or wrong, the Board of Probation and Parole says there is a recidivism rate of six percent of their case load in a year's time.

BY REPRESENTATIVE DOYLE: (To Mr. Sielaff)

Q Six percent?

A Six percent, six percent of the men on parole in a year's time get into trouble again.

Q Well would it be --

A Now, I have seen a study that goes back some years

which indicates that those who max-out, that do not go out under supervision during the course of, I don't know what period of time, it was about 50 percent. Now, as Mr. Specter indicated, and as is well known, there is no solid statistics on recidivism in the nation. One of the problems is that to follow the man over a period of time is very difficult. What happens to him after he is off parole, what happens to him in another state, etc., it would seem to me that this is an area that the Federal Government should have gotten into a long time ago because really they would have the wherewithal to do this kind of study. So all I can do is to quote for you what the Parole Board uses when a man is on parole, what an older study indicates in terms of the maximum cases.

Q When they have, and you have seen demonstrations, they can pick up a license plate on the street and in a matter of three minutes I think go to Washington and back again that the car is stolen. It seems to me that they should have some system that would give us these figures. We know, for instance, a man is convicted and sentenced here if he has a prior record, we know that. The problem being that if he is caught and sentenced in another state, that is a particular problem such as you mean, you don't know once he has left.

A It is very -- in a mobile population, that is when

a man leaves the state and when a man goes off parole, there is no mechanism for follow-up. Now, it is obvious as it appears in terms of the need it was recognized in the Crime Commission report of 1967, that this figure did not exist and to my knowledge there has been no concerted national effort to get this figure.

Q Well even in Pennsylvania I think perhaps people are relatively parochial even though we have, you know, a very mobile society, but even in Pennsylvania we know that those that were caught and convicted and are, you know, charged with crime whether or not they have a prior record. And in trying to evaluate the program, it would seem to me that would be a basic ingredient of the pre-release programs, those who have returned to prison who have been under the auspices of this program as opposed to the parole as opposed to the people who max-out.

A Now in order to make the determination of success or failure on community treatment, the research organization that did this study did make a determination of recidivism. And if you get a chance to read this, I think you will see what their computation is. It does differ from the figure that is quoted and this is why I do not want to particularly raise the issue. As I recall that the rate of recidivism is closer to 30 percent or 33 percent.

Q Of those who were under the auspices --

A Parole, but you have to really analyze what is being said when the Parole Board says that in one year's time six percent then and in three years' time it is going to triple that, so it depends upon what period of time you are even talking about.

BY REPRESENTATIVE LEDERER:

Q Isn't there a relationship between inmates repeating crimes as it relates to the length of sentence, length of time they spend in prison? So that a man serving a longer term, his chances of going out on the street and staying out on the street is less than the man serving a lesser time in prison.

A I would guess that that is true.

Q So draw the conclusion that if he is going to spend a longer time, the chances of his coming back are greater, so that you have to find a system to get him out of there if you want him to stay out.

A That is true.

Q I have another question. You mentioned two percent, or some figure like that. Statistics are, you know, are very dangerous because if you are taking 15 men that miss their bus and say, well, they broke their furlough system, you

know, you can destroy yourself because the P.T.C. was on strike or something. You have to be careful. But when we are talking about the men that do not return from furlough, don't you have to differentiate between the number of inmates we are speaking about and the number of furloughs that when we get the statistics we can make a distinction?

A Yes, and the statistics that I quoted are based upon numbers of furloughs granted. I use that figure not only because it is lower than the other way of computing it, but because each furlough to me represents a risk, a possibility for something happening. And out of the over 11,000 furloughs, I said the percentage of success was 98 percent. Now, if you base it on the number of inmates involved, which was 4,000, the rate is going to be higher. Yet, it is well within and lower than the national experience. And I lumped in there too not only the abscondions, but the new offenses. The new offenses are going to be a lower part of that failure figure than the number of abscondions. So maybe we should make a distinction there too.

BY CHAIRMAN SCIRICA:

Q Mr. Sielaff, I read the report on community treatment service by Informatics which you have before you. Was that an independent organization?

A Yes, that was completely independent from our agency and it was funded through the Governor's Justice Commission by L.E.A.A. funds.

Q Tell me if my figures are correct, but my computations that I took down from that report indicate that the recidivism rate for people who were on parole after they had participated in the community treatment service program generally showed a reduction by at least one-third of the recidivism rate for those who were on parole without going through community treatment.

A Yes, that was their findings.

MR. LONINGHAN: Could I interject one point I think is of great importance and that is the cost factor involved in maintaining a man in an institution versus the cost factor of maintaining an individual out in the community based treatment center. And our computations say, that it costs \$18.80 per day to deal with a man who is institutionalized versus a cost factor of \$8.84 a day administrative costs and that is not considering the fact that this man is now working, he is now contributing to the tax rolls, he is also now relieving the burden of his dependents who are on welfare. So I think that is a realistic consideration that we should take to point here. That it is about \$10 difference per day for

the taxpayer if this man can be supervised and dealt with in the community.

BY REPRESENTATIVE LEDERER: (To Mr. Sielaff)

Q Are the vast majority of your inmates products of the urban areas of Pennsylvania?

A Yes, about 60 percent I would say are from Philadelphia alone, Mr. Lederer.

Q So that what we are really tying up, we are interested in why men are there is that when the educational system fails to a great extent, you get the products?

A Yes indeed.

Q So if this is -- if somebody wants to do something, we have to do something with the educational system and the 40 percent of the students in Philadelphia who are high school dropouts and unemployables.

A It is not to say that they do not come to us with an 11th grade certificate or even 12th grade, but when they are actually tested, many of these men do not have an achievement level of eighth grade and so they might have been moved along in the school system but really never achieved anything. And a lot of our work is remedial in terms of education.

Q So you are really an educator when you get down to it?



A Education is a tremendous task for us. Yes, because if a man comes to us and he can barely read and write and fill out an application blank for a job, one of the first<sup>o</sup> things that we have to do is a lot of remedial work with him.

Q You would be doing what a high school dropout system is doing, is that it?

A Yes, the supreme effort is to get him to the point in tutoring that he gets a G.E.D., a high school equivalent status.

Q So that when we say if the Assembly is going to wake up they are going to get through a program where they are going to stop the vastly high school dropouts, unskilled youths, roaming the streets if they want to end up without sending them over to you for rehabilitation?

A That is a big part of it.

MR. JOHNSON: Another point I would like to make, there has been mentioned here several times about various research or lack of research in this area of correction. It has always bothered me because I have been in this field about 19 years now and I have always been appalled by the fact what we don't know about it. It is apparently very difficult to do empirical research because it involves control groups so while we come up with figures to show you substantiation for

the variables, there are so many variables that we have no control over that you cannot say absolutely what causes someone to recidivate. So I know you are looking for figures, but it is difficult to give you figures that I am going to feel that comfortable with.

MR. DeRAMUS: May I make a comment in reference to this educating in our schools. You know, I think it goes back further than school. Part of this goes all the way back to family, you know, and it starts there and you go to school and then juvenile corrections and then adult corrections. And I think really what we do in adult corrections, we take the brunt of the whole system that has failed prior to coming into corrections. And we expect to do something about it and I think that is really unrealistic in a lot of cases, because it goes all the way back.

REPRESENTATIVE LEDERER: You people have the toughest job in the whole system.

MR. SIELAFF: We do, because I have been in juvenile corrections and I know right now we are in the toughest part of the whole system.

BY REPRESENTATIVE SCHEAFFER: (To Mr. DeRamus)

Q Mr. DeRamus, you said that the family was involved also with these people getting into your institutions?

A Right.

Q But yet on your furlough program you send them back to the family.

A Well, true, because for a lot of them that is the only place <sup>to go</sup> /and some of them don't even have families to go to. That is correct.

CHAIRMAN SCIRICA: Gentlemen, I think we might like to break for a few minutes. Mr. Zeller.

BY REPRESENTATIVE ZELLER: (To Mr. Sielaff)

Q I'd like to ask Mr. Sielaff in regard to the recent problem we had with the Bacher Sabolich plan and the part of the plan in regard to handling juveniles in detention centers at Cornwells Heights. What is your feeling in regards because these juveniles are eventually going to get into your system? What has been your feeling in regards to this plan that is to be put upon them in regards to the Bacher Sabolich plan?

A I guess I have to plead ignorance, because I don't know what the Bacher Sabolich plan is.

Q There is quite a bit of notoriety on it about the Judges throughout the state in our part of Pennsylvania in regards to placing these youngsters in Cornwells Heights under diagnostic programs and then into a neighborhood of a neighbor-

hood center.

A. Okay, the way our system works, of course, is that our institutions serve a region. The idea is to keep the men<sup>o</sup> as close to home as possible so that Huntingdon serves the constituents in an area closest to that institution. Rockview is in a region. It used to be that a man could be sent to a diagnostic center at Pittsburgh and shipped to Graterford. Well, we are reducing that. Now each institution has a diagnostic center. So it is possible for us to be regionalized.

Q. You're talking under adult now?

A. Adults, right.

Q. I was referring to what effect would this system if you looked into it, in other words you people have input into it now, this system of sending all of our youngsters that Mr. Lederer referred to and the District Attorney, Mr. Specter, as to the problems and the type of crimes that these youngsters are being sent into these institutions for in Philadelphia are a lot different than the type of crime that a youngster is sent there for from Lehigh Valley because it is an altogether different type of criminal. And they are putting these two together and we have problems and the Judges said they won't send the youngsters there, they would rather turn them loose on the streets rather than send them down to Cornwells Heights. So

I was wondering if you had any input on that at all because that is --

A. No, I don't have any input and I am not involved in that at all.

REPRESENTATIVE ZELLER: Can anybody else help me?

CHAIRMAN SCIRICA: Are there any further questions of Mr. Sielaff right now?

BY REPRESENTATIVE LEDERER:

Q. Yes, one further one. I hate to ask all the questions, but as a defense lawyer I naturally get into this field. Is it possible that at some future date you could supply our Chairman the number of Vietnam veterans that are in your institution?

A. Yes.

Q. General figures, say as of a certain date.

A. Sure.

Q. The reason I ask that that we are working in Congress to try to liberalize the Federal G.I. Bill of Rights and in liberalizing it we want to try to do it so that money would be made available for these veterans in your institutions to take certain programs.

A. I would be glad to do that.

REPRESENTATIVE LEDERER: Thank you.

CHAIRMAN SCIRICA: If there are no further questions, I think we will take a short break to a quarter to two. We have a few more witnesses who will appear after that time. I would like to thank Mr. Sielaff, Mr. Johnson, Mr. Werner, Mr. Loninghan, Mr. DeRamus for consenting to appear before us today. You gave us some very excellent testimony and I am very grateful to you.

(The hearing was recessed at 1:20 P.M. to be reconvened at 2:00 P.M.)

#### Afternoon Session

CHAIRMAN SCIRICA: I think we better get started again right now. I would like to ask Superintendent Johnson one question before we get started with Mrs. Velimesis.

BY CHAIRMAN SCIRICA:

Q Superintendent Johnson, there was a question raised in the testimony this morning concerning the Bureau placing someone in a community treatment center after he may have been denied application for parole. Would you comment a bit further on that.

A I cannot comment on specific cases, but it is conceivable that we might decide to recommend someone for

community treatment who has been turned down for a parole if the reason for turn-down was not directly related to our decision to put him in a community treatment. For example, the Parole Board might turn down a man for parole because he doesn't have a home to go to, or a job, or a sponsor. It is not necessarily connected with the adjustment the man has made in the institution. In the community treatment, of course, he will have a home if he goes there. Sponsors are not required at the moment and he will be allowed time to look for a job. So, it is conceivable that a man could be turned down for parole and yet go into the community treatment program for perfectly valid reasons.

Q Would it be fair to say if the Parole Board turned him down for adjustment problems, for failure to adjust properly, then you would most likely turn him down as well?

A Unfortunately that would be my decision at Graterford and I would feel certain that other people would tend to take the same position. And not only that it is a two-part process in getting a man into C.T.C., Community Treatment Services. The institution makes a decision based on its appraisal of the man and then after we make a favorable recommendation, that is sent to the community treatment center and they in turn look at the man separately and make another independent

judgment on him.

MR. LONINCHAN: At this time I think it is appropriate coming from that end we enter into the record since the inception of the community treatment centers there has been approximately 1800 of referrals, of official referrals, and we have actually accepted after the Judge and everyone else has said it is permissible, we have only accepted 1,077 which, percentage-wise, comes out to about 40 percent of the people, we refuse them. I think what -- when you get comparing parole and pre-release, you will find that of that 40 percent that we internally, the Bureau of Corrections, the division, community treatment reject it, you will see that more often parole than parole them. We have rejected them, parole will parole them more often than you will see parole refusing and us granting them release. I am sure you will see that.

BY REPRESENTATIVE HUTCHINSON: (To Mr. Loningham)

Q Those statistics are available?

A Yes.

CHAIRMAN SCIRICA: Unless anyone else has any further questions, I have no further questions. Yes, Tom.

BY REPRESENTATIVE MALONEY: (To Mr. Loningham)

Q What process do you go through when you select a



site for a community treatment center?

A. There are several -- there is some good literature on this in some national circulars and this is a problem. I think the Harris Poll study indicates that, conducted by the Federal Bureau of Prisons who are with us today, that public opinion survey shows that 80 percent of the people generally favor the dealing with offenders in the community in a gradual re-entry phase. But then, when questioned specifically would you like it in your neighborhood, 80 percent say no. And I think that is pretty consistent, and with that in mind and with the guidelines in mind that we submitted for a grant to the Governor's Justice Commission, we are looking for something that is residentially based. Something that is centrally located within the major cluster area of where individuals will be returning. So, this is one of the things -- one of the guidelines that direct us into the urban areas, the areas where these individuals will be returning. The metropolitan areas of Philadelphia and Pittsburgh, of course, being the centers where there is the most activity. We are utilizing the Governor's six common human resource regions in the administration of the community treatment services, so -- with central co-ordination. So we are essentially now into every region in this Commonwealth with our centers. We currently

have operating eight centers, Harrisburg, Pittsburgh, Erie, Philadelphia with two, Scranton, Johnstown, and York and we currently have six additional centers in the process of being finalized right now, additional centers in Philadelphia, including a center for women, an additional center in Pittsburgh, including a center for women, and a center in Allentown and a center also in Sharon. Starting in July with the new sub-grant, we will be extending our center coverage, we will be expanding it from 14 up to 24 centers. So the very fact of re-entry being something that has been in rhetoric conversation is now going to become reality, I feel, because now we have the capacity to actually and realistically go about the business of re-entering an individual from our institution into his general community.

Q A question, Sir. When you mention Allentown now, someone has to locate a site in Allentown, what do you -- do you notify the city fathers in advance?

A I personally am the man involved in Allentown and every town, of course, has its own personality. And I think the procedure that I live by is I attempt to, of course, contact the Judges who I think by their very involvement in the criminal justice system, if you don't have their co-operation you are not going too far. From the Judges, you are extending yourself to the Mayor of the city, to the Councilmen, the

State Representative and the Senators, and it is this process you begin with, the duly elected officials of any given community, explaining your rationale, which generally is documented facts that there is this many people coming into Allentown who are serving time with us in the Bureau of Corrections. And Scranton, which was the only center for instance in that region, can no longer deal with it. They are dealing with their own problems and Allentown does have a responsibility here. And the general response we are getting is excellent from the elected officials. Now the problem is, of course, conveying all of this to the public, who, once you decide on a site, have other ideas. They think it is a fine program, but it would be better off on someone else's block, and that is something we are not trying to shrug off. That is a responsibility we have and I think we have been pretty successful in getting centers implemented.

Q The failures that you have had, have any of these failures -- have you been able to trace this, let's say, to improper staffing and areas in judgment the staff has made?

A I think that, you know, there is risk of course in every one of these procedures, risk beyond the fact that the individual is kept in the institution, that assuredly while he was in the institution he wouldn't commit an offense in the

community. But I don't know where you can lay the blame. We certainly are not trying to say we are not at fault. There are certain areas where our decisions leave something to be desired<sup>o</sup> and we are not trying to say that we do not have areas that we have to keep continuously supervising and shoring up in the administration of this program. This is a new and relatively innovative program that every time we experience a failure it is not just put on the shelf somewhere. We thoroughly review the process. We review it all the way back to the beginning when the individual was referred. What I am concerned about is whether or not you have sufficient staff to expand the program as you have outlined for us.

A I would say yes as far as sufficient staff in the community. I think where we are having our problems is in the institutions and of course I'd rather Mr. DeRamus or Mr. Johnson answer that. But, as pertains to the community, we follow a model that has the consent and approval of the Governor's Justice Commission, who initially starts our new centers by funding them temporarily and then we assume them as part of our budget, and they are in concert with national guidelines meeting N.C.C.D. requirements, meeting all the bodies who generally give the type of staffing pattern you need to properly run one of these centers. So in general, I would say

yes we are adequately prepared in the community centers as far as staff employment.

MR. DeRAMUS: If I can respond here to the improper staffing of these individuals. What we have done, and I wouldn't say possibly improper staffing, actually, but what we have done, as I had mentioned earlier, we have set up progression steps into getting involved in the community treatment program. And what we have built into the program is that a man must go out on X number of furloughs before he can be recommended for the C.T.C. program. So we are in this particular process now and so I think that this is going to tell us something here as to whether the man is ready for C.T.C. if he completes this number of successive furloughs.

BY REPRESENTATIVE MALONEY: (To Mr. DeRamus)

Q But as I understand the program now, the recommendation first comes from within the institution?

A True.

Q For pre-release?

A Right.

Q Now, from what I have observed and what I have heard that the staff that are working within the institutions are not up to what they should be, not in terms of qualifications but in terms of prison population that they are dealing

with. And I am concerned now if the philosophy is that program be expanded, that the people who are making the recommendations for pre-release that there is sufficient staff inside the institutions, but I don't see, for example, as I recall I see no increase in funding or in the Governor's proposed allocation of funds for the Bureau of Corrections to handle this, but yet at the same time, correct me if I am wrong --

MR. LONINGHAN: There is, I think, a \$6.9 million dollar increase. Now specifically what that calls for -- I would like to point out that, you know, who are we using as a guideline as far as -- you are speaking specifically of case work ratio, aren't you?

BY REPRESENTATIVE MALONEY: (To Mr. Loninghan)

Q Like for example at Dallas, as I understand, there is one counselor for every one hundred inmates.

A Yes, I think Graterford is even broader than that, isn't it?

Q And people who are in those positions were concerned that maybe they had too many people to work with.

MR. JOHNSON: I have been faced with this question before. Obviously, we do not have the staff in terms of quantity and quality that we should have. I want to remind

you, however, this has been a condition of Graterford the past 18 months, two years that I have been there. And when we talk about a 98 percent success rate in terms of people who return from furlough, which meant that in spite of the fact we did not have staff who would meet the kind of qualifications that I would set as an individual, it was good enough to get that kind of success rate. But what I am saying is, that while we don't have the staff we need, we have the staff, I think at this point, I'm talking about my institution at least, to do quality evaluations so far as furlough and so far as the community treatment program is concerned. That doesn't mean we can't improve.

If I might just add for some clarification something that came up this morning, Mr. Chairman, the question arose as to whether we were communicating to residents the criteria, the thinking that goes into the selection of one inmate to participate in a program over another. And it was said that some inmates feel that we are unfair and they don't know why these persons are being selected. Of course I'm faced with that all the time. As a Superintendent I get many inmates saying, you know, why was that person selected over me. It is a communication problem to some extent. It is probably a problem we will never be able to overcome absolutely

because we look at each man. As an individual, you might make a decision with regard to one individual where it is quite obvious everyone knows his situation, like situations where you can't reveal that to another inmate. So, inmates start to compare themselves but don't really have all the facts. The other thing is, there are inmates who begin to play games. What they will say, you know, we -- I don't understand why I wasn't selected, but in fact he does. It is just a way of getting across to a legislator or to me, a Superintendent, you know, he wants to get accepted. I just wanted to give those facts to you.

BY CHAIRMAN SCIRICA: (To Mr. Johnson)

Q What about when a sentencing Judge objects to a person getting on the furlough pre-release status, that is not revealed to him either, is it?

A Yes it is revealed. Now, in the past, I got some complaints, some staff were revealing specifics as to why the Judge objected. I, of course, put a stop to that. All we are saying now is that if that is the only reason a man is not being put into furlough, we simply say the Court objected to it, without giving him clarification why the Court objected.

MR. LONINGHAN: My experience has been that in my region that the Judges do not like this. That we acknowledge



the reason that an aborted pre-release program can be attributed to the Court rejection. But I see it as our responsibility if we want to prevent outrageous behavior to effectively give people the facts of life. Because the whole idea of our institution upon entry is release. Unless we are dealing, of course, with the people who do not come under this pre-release package, and if that is what you are operating with, then people want to know for what reasons am I not being moved on to the next stage, and I think rightfully so that we should tell them why.

BY REPRESENTATIVE HUTCHINSON:

Q You say that you will have 24 centers after --

A We are funded for that through fiscal '74.

Q It seems to me that somebody said, and I'm not sure the figure is right, there are -- well how many people are there in the program, the community treatment center part of it now, and how many will you have in it?

A Okay, with the operating eight centers that we do have, we have a total population this morning, approximately, maybe one or two less, of 338. That consists of 122 people actually residents of the centers, of the eight centers, and 216 people who are out-residents, who have a responsibility to be seen by the staff at those centers a minimum of twice a week.

By that we are talking about individual and group counseling where they come in physically into the center and become involved in the counseling. As far as what will our capacity be<sup>o</sup> with the 24 centers, of course, I guess you could triple the population, we are talking upwards of a thousand people on any given day.

Q And you still think you have adequate staff to handle that?

A Within the sub-grants we have the proper staff deployment patterns in concert with any recommendations nationally to handle a population within the center.

Q Now you are talking about sub-grants, don't those grants provide that after a certain period of time the funding problem comes back to us?

A Sure does.

Q In other words, you opened 24 centers and you are funded for one year or two years on those 24 centers and we create great expectations among people, but eventually after a year or two we have got to finance that whole load.

A Well the current centers, the eight centers that are functioning, are within the Bureau of Corrections budget.

Q Right.

A The additional centers --

Q You are initially financed by a sub-grant?

A By the Governor's Justice Commission, that is correct. I think, you know, when you are talking about economics, what we have to consider the statistics which were indicated earlier regarding the cost ratio in the institutions versus out. And since, under the law, under the pre-release law as it pertains to community treatment, the onus of responsibility is on the shoulders of residents to produce to pay for their rent, to pay for their own keep, to buy their own clothes. I think the cost factors are deferred properly and appropriately. We are now gradually releasing an individual and gradually giving him responsibility, all that of course at a tremendous saving to the taxpayer.

Q Actually, therefore, that when the program reaches its full level, the 24 centers that are now funded, and I am assuming the prison population over-all is now increasing which may not be a safe assumption, but you would have approximately one-sixth of the prison population in the community treatment centers?

A That is correct. Yes, given the present population projection.

BY REPRESENTATIVE SCHEAFFER:

Q Do you get any Federal money?

A The State Planning Agency, which is the Governor's Justice Commission, is, of course, part of the Federal process of getting money. Then, of course, it is trickled into these programs.

Q What does it cost to start a community center?

A Well, the costs vary depending upon the size of the center. We generally like to deal in a size of 16 to 20 population, resident population. It's a hard thing to pin down specifically, because in Philadelphia rent space might not be the same as in Johnstown, Pennsylvania.

Q Don't you have any figures? You say you are going to open so many more. Don't you have any idea how much it's going to cost to open centers?

A We have an idea that a lease would run -- we have safeguards on the leases. We cannot go beyond a certain figure to lease the building, for instance. We are talking generally about \$10,000 a year in lease money per center. We are talking maybe about, I'd say, \$50 to \$60,000 in salaries. We are talking about a center director position at each center, we are talking about two correctional counselor positions, we are talking about a 24-hour three-shift, what we call house managerial position. Somebody is on call at these centers 24 hours a day.

Q You're talking about \$70,000 a center?

A Generally. Of course, that cost, I'd like to point out that, you know, the inmates are continually putting money back into the general welfare of the fund, since they are assessed \$10, generally \$10 per head per week for their keep. So the costs are deferred.

Q They are only paying \$10 a week and they get their meals?

A No they do not, Sir. I indicated earlier that that responsibility is on their own -- they buy their own meals.

Q But yet they are earning the going wage on the outside of their job, right?

A Yes. Sometimes, depending, of course, on that individual's job and his ability to sustain a job. Some of them are skilled people who are returning to a position that pays a good dollar. Most I would say fit into the mediocre category as far as --

Q They are paid the minimum wage?

A Most are, yes. And their checks are monitored by the staffs and we, of course, are coming from a posture we would like to see this money spent responsibly and that is one of the criteria of their going out of the center just how do they spend their money and how do they perform with this new-

born freedom.

Q Now the people who work in a work program that come back to the institution, do they pay anything?

MR. JOHNSON: Well, I can speak to that, Sir. We have a work release program at Graterford presently involving 10 men and we have 24 other positions available right now. We are requiring those men to pay \$10 per week as well to the institutions. But, of course, we do provide two meals. We provide the morning and evening meal. It is an infant program and it's going to be refined as we go along. But to answer your major question, they do pay something in.

MR. SIELAFF: I might say that the law requires that they pay because they are on pre-release status. For example, if there are dependents, they must pay for the support of their dependents and they do pay toward their cost of care and very often they pay toward Court costs and fines. Now in a work release program from an institution they may not purchase their food, except for their lunch in the community. But in the other programs, they are buying their food and buying their own clothing in the community, as well as paying taxes. But the law requires that they pay and we adhere to it.

MR. JOHNSON: As part of our counseling with the work release residents, we are anxious to see whether or not

they do in fact send money to their families and pay fines and costs and meet other financial obligations. And a judgment is made about the man if he is not in fact doing those things. It might affect, for example, recommendations for parole.

BY REPRESENTATIVE SCHEAFFER: (To Mr. Loningham)

Q You stated awhile ago that you go into a community and you contact the local officials and the elected officials to tell them what you are going to do. Now, the institutions have these forestry camp trailers that they brought back which they expect to set up outside the compounds on, you might say, some institution property. Do you feel that the local officials should be contacted in regards to that particular type program?

MR. LONINGHAN: I think you're speaking of that Camp Hill situation.

Q Yes, I've had complaints, but I don't think they have them operating yet, right?

MR. DeRAMUS: Well you know my answer so I'll -- I'll sit this one out.

CHAIRMAN SCIRICA: Maybe Mr. Sielaff could comment.

MR. SIELAFF: Wait a minute, I'm just hearing both sides. I did not feel that it was necessary in that circumstance. We are talking about a unit on the reservation of an institution and I guess if we could have anticipated in advance,

and we perhaps did not have the foresight, that there would be objections on the part of some people, then we would have certainly made an effort to contact those people and the local public officials. Not having anticipated the reaction that we got from some people, we then proceeded to hold public meetings and to educate the community in terms of what we are trying to do. These were individuals who had outside clearances who every day for the most part were working out on institution grounds without supervision. The only difference really was that they were to be living at night in a unit outside the fence. A unit that would have nevertheless supervision 24 hours. Some of these same people have been going out to the community to the Dauphin Vo-Tech School, for example, at least that kind of person. But the answer there is that we simply did not anticipate any adverse reaction because it was on the reservation, which is quite a large reservation in the case of Camp Hill.

BY REPRESENTATIVE SCHEAFFER: (To Mr. Sielaff)

Q Couldn't they have been put some place else on that large reservation?

A Well --

Q It's like you said a minute ago, 80 percent, 90 percent of the people say they are in favor of a program but



they don't want that house across the street from them.

MR. LONINGHAN: You see, of course, if we follow that to its logical conclusion, it never will be put anywhere.

Q Yes, but if you had 800 acres, say --

MR. SIELAFF: Well, Representative, you know if we didn't have to consider such things as utilities and sewage and water and the site itself because these trailers are fairly heavy and there has to be a solid foundation, then we could have located anywhere on the compound. But as a matter of fact, we had to consider all these factors in setting it up and that is why that particular site was chosen.

BY REPRESENTATIVE SCHEAFFER: (To Mr. Sielaff)

Q Yes, but they built the base to put them on?

A Pardon?

Q They built the foundation to put them on.

A Yes, they rest on gravel, quite a bit of gravel, a lot of that land, as you know, has been filled and is very soft. There is a firm base that had to be constructed first. Had to be accessible to utilities, we had to tie into the sewage line and in many parts of that reservation that would have been impossible. We certainly did not choose a site to annoy somebody. What we would want to do is gain acceptance and frankly we had not anticipated that one woman really com-

plained and --

Q Well, she stirred up a hornet's nest though.

A Yes, apparently she did.

Q And I'm the nest.

(Laughter)

REPRESENTATIVE SCHEAFFER: I wish you could move them around the other side so she couldn't see them and so do those other people that are over there. I mean, I look at that barn across the highway from the main gate, now they certainly must have utilities in that particular area right along the road there. You would think that they could put them there.

MR. SIELAFF: Well, I know that the whole matter was reviewed and a feasibility study was made of other locations and it would be possible there would have been considerable <sup>additional</sup> costs is what my understanding was.

CHAIRMAN SCIRICA: Gentlemen, excuse me a second, Mr. Ruggiero has a question and then perhaps in the interest of hearing the remainder of the witnesses, we better excuse the men from the Bureau of Corrections.

BY REPRESENTATIVE RUGGIERO: (To Mr. Sielaff)

Q This is directed to them and may be a hot one, I don't know and it was touched on this morning. I am interested

in the role of the Judges in this procedure. The law was amended to eliminate the Judges in 1970 as I recall, but in spite of that amendment, the Bureau of Corrections still makes it mandatory, as I understand it, that the Judge, the sentencing Judge, gives approval before you will admit the prisoner to this program, is that right?

A Yes, I don't think you are right on your history. I do not think the law ever specified that we contact the Judge in any way. Yet as a matter of administrative policy from the very beginning of the program, I took the position we should at least notify the Judge.

Q Wasn't that written into the law at first, the Judge had to give his consent, wasn't notice required?

A You might be right as far as that very initial law and then the amendment, okay, you are right, then the amendment did leave that requirement out, yes.

Q I'd like to know what is your feeling, what is the position of the Bureau regarding this? Do you consider the Judge as indispensable in this procedure or would you rather see him eliminated?

A No, I think that the Judge's involvement really or the need for the Judge's involvement was reflected in our administrative policy when it did not require that we even

contact the Judge. I said that I think that it was important to do so because very often a Judge is in a position being located in a community to be sensitive to the community reaction. I felt that as a matter of co-operation there ought to be some involvement and I still feel that way. Insofar as the Judge having the power to absolutely veto it, I think that that isn't rational, because we live with the inmates day after day and the Judge did know that person however well, of course it varies at the time of trial. but I think we are in a much better position to evaluate current behavior. And I think sharing that evaluation with a Judge and getting his insight in terms of the community is a real co-operative relationship and one of the rare instances where the criminal justice system is really working together. So I figure that input from the Judge is involved.

Q Would you think though it ought to be part of the law, or do you think the law should remain as it is now and make that a matter of policy with the Bureau?

A Really, it is a matter of policy now and has been. If it were made into law, I would have no qualms about it at all in order for it to be formal. As a matter of fact, having worked with the Judges so long to arrive at a compromise which there would be an agreement with and having arrived at an

understanding that this would be translated into law, I think it would further our relationships.

Q Well in effect you are saying that if they veto the proposal you would be happy with that situation?

A If they what, Sir?

Q If they veto a particular case, do you consider yourself bound by that?

A No, inasmuch as the next step then is a referral to the Board of Pardons. Many times we find that the Judge has raised a question and if we get back to the Judge with an explanation, that satisfies his question. In other instances, if the Judge feels so strongly about it, maybe we need to re-evaluate the decision we have made. As a matter of actual practice, I think Judge Dowling himself indicated this morning that since last Summer there have been no instances where there was such a violent disagreement with a Judge over refusing a furlough that the matter was referred to the Board of Pardons. I understand that there are a few cases in the institutions now. We will probably move in that direction. But I think that indicates that there hasn't been a great difference of opinion on very many situations. So, as long as we were at loggerheads, a determination can be made by a body such as the Board of Pardons, I think that this is very good recourse.

REPRESENTATIVE RUGGIERO: Thank you.

CHAIRMAN SCIRICA: Thank you, Mr. Commissioner.

REPRESENTATIVE WILT: One quicky.

CHAIRMAN SCIRICA: Go ahead.

BY REPRESENTATIVE WILT: (To Mr. Sielaff)

Q Now with the experience in Westmoreland County, are you still satisfied with the regional jail concept as being one which we ought to build on?

A Well, I am satisfied, Mr. Wilt, with the regional jail concept. I think that what we do have to analyze there is that if that regional jail is located in a site so distant from a highly populated area, we may have to think in terms of establishing another unit closer, you know, to that particular city. In the case of Mercer, of course, we are moving ahead with our plans to establish a regional there. I think what we may need to do in the future is to develop another alternative around Erie, probably in community based centers. Brian is now involved in the location of a regional in Moosic where we got quite a bit of community reaction.

Q They have a way of doing that, don't they?

A Pardon?

Q They have a way of doing it.

A As you well know, of course. This I think we may

need to consider reducing the size of that facility and bring units all across as to what is Reading, Reading and Allentown and Bethlehem and Eastern area, the regionals would serve Scranton and Wilkes-Barre pretty well, but it is kind of remote from some of the larger cities and here again we need to call on the smaller units to serve closer. But I think the regional concept is good and I think that counties really need to consider regionalizing on the basis of their detentional population and in your area right now I understand that there is really concern about building a jail, a new jail, in Mercer and yet the two adjoining counties refuse to combine together for a joint facility. From the standpoint of economics and everything else, it really makes sense for perhaps three counties in this case to join together on a county jail operation considering that this would serve only the detentional population. And when the Commissioners were in my office the other day, this is what we strongly recommended to them.

Q The Westmoreland County thing is working out to your satisfaction so far as, you know, the actual end result of treating that population as the Committee from two years or less you are pleased with the results?

A It is really working out well. This is an example

of how work release can work. It's an example of good treatment programs, a great deal of community involvement. I think the problems are that we still have the Westmoreland detentioner population, this is a drawback, the physical plant is not what we would construct today. But from a program standpoint, that institution is probably as good as any that I have seen in the nation.

REPRESENTATIVE WILT: Thank you.

CHAIRMAN SCIRICA: Gentlemen, thank you very much for appearing before us today.

(Witnesses excused)

CHAIRMAN SCIRICA: Mrs. Velimesis.

MARGERY L. VELIMESIS, called as a witness,  
testified as follows:

CHAIRMAN SCIRICA: Finally we come around.

MRS. VELIMESIS: Thank you Mr. Chairman. Because of everyone else before you that has appeared today, I assume you know who they are and something about their work. I think I may be ought to tell you a little bit about my experience in the last six or seven years so that you will know what my remarks are based on. I have done parole planning for both men and women



on a volunteer basis for the Bureau of Corrections in the past year. I was part of that conference in Harrisburg where the agreement was reached between the Judges and the Bureau of Corrections regarding their furlough and community treatment. I have been part of the conferences that were called by the President, first on corrections and then on criminal justice standards and rules in Washington. I am Executive Director of a program that has two parts. One is, citizen education and action, the other is direct services to women. As such, in the service program we receive requests for service from the Bureau of Corrections, the Board of Parole, the Philadelphia Courts, Probation Department, individual Judges, and from many other agencies that come in contact with women who have been sentenced whom they think need additional help.

In addition to that, I have been in probably 30 of 67 county jails in Pennsylvania, all but two of the state prisons, and on a volunteer basis I have known many men and women both while they were in jail and after they were out on the streets. We also hire ex-offenders in our program and I have to say that in the last two or three years I have been conned, hustled, ripped off, and otherwise manipulated by people, some of whom were successful and some who were not.

So, that I don't -- I am interested in system

changes and I am also interested in people that that system is going to deal with. But in approaching system change, and human problems of people, I think I have a fairly realistic background from which to deal. In other words, I don't believe I'm an idealist, I recognize that there are many people who are dangerous, not all of whom are in prison, and some of the issues that were raised here this morning, of course, very directly bear on the release programs of the Bureau of Corrections. I was very happy as a citizen, which I generally think of myself as rather than a professional, to hear some of the really perceptive questions that were asked by the members of the Committee this morning. I think we have to recognize that our society as a whole is in transition and that when we are talking about the Bureau of Corrections programs, they must be viewed as programs that are in transition also. Such concepts as you know rewards and punishment, individual sponsors, simply the fact that a man has to have a job, phrases such as you know you should be able to earn your way out as well as learn your way out of prison, I think these might have been appropriate 30 or 40 years ago, by themselves I certainly don't think that they meet the problems today. As I was listening to other persons giving their opinions to you this morning, I think it was very obvious that the system is

very political and that there are many who are contending for power, for prestige, for decisions.

Our organization is a constructive critic, we hope,<sup>o</sup> of the Bureau of Corrections, Board of Parole, and a number of the elected officers as they function in Pennsylvania. I must say that I strongly support the release programs of the Bureau as a first step, not as an end in themselves, as the first step in helping the criminal justice system, at least the incarceration part of it, move to a better way of meeting the needs of this society that really is in transition. I think we have huge, expensive and dangerous systems. But if you don't misunderstand the word "game", I could apply "game" too. And at the end of that "game," as it is generally played, are the state prisons as the bogeyman. If that concept is still to remain, then we really have to think about some of the other issues that were raised this morning and perhaps change that image of the bogeyman, particularly if we are talking about deterrence and if we are talking about rehabilitation and if we are talking about punishment. This morning I think we heard some very mixed concepts. For instance, I think it is pretty well demonstrated, I think there have been studies done in the United States which pretty well establish the fact that prisons do not deter except for -- sentences to incar-

ceration do not deter, except for those crimes for which we v e r y seldom impose sentence, that is, such things as traffic fines, very minor violations by persons who are, you know, first-time offenders who probably would not -- would not ever commit that crime again. Prison sentences are effective in that kind of deterrence. I think it has been demonstrated that when you up traffic fines and you give people 10 days in jail, that parking violations and speeding violations really decrease dramatically. But there has never been anything to prove that prisons deter and, as a matter of fact, a lot to prove that they do not deter, especially when it comes to capital punishment between various states that are contiguous that have dropped their law, they have abolished the crime penalty and others have maintained it, what is the number of crimes that then increase or decrease in those various states. And as a matter of fact, sometimes when persons were more aware of a person having been executed and the state intended to continue to carry out capital punishment, the crimes of violence in fact have increased.

So that I think you really cannot make a case for deterrence. I do not think that pain and punishment deter people either. Because, if we are talking about the more violent offenses and if we are talking about robberies and

burglaries that are committed for money to raise for the price of drugs, they are almost, you know, insensitive to any pain or punishment that might be dreamed up by the state. We have dramatically increased our penalties against drug abuse and the drug abuse has increased even faster than our penalties have. I don't think that, you know, tough Judges or soft Judges really are relevant. What we really need are effective Judges. And we really need to begin to deal with the question of deterrence and of punishments and of rehabilitation.

BY CHAIRMAN SCIRICA:

Q Excuse me, in the light of that, how do you see the community treatment program that we have been discussing here today?

A I think it is always going to be in jeopardy until we -- you know perhaps one of the ways of really dealing with the problem is to give a lot of time and effort to the implementation of proposed standards and goals for criminal justice, which ones will apply to Pennsylvania, to what extent they will apply, etc. I think we have to redefine so that everybody clearly knows what is the role of the District Attorney and what is the limit of that role, what is the role of the County Jail Warden and what is the limit of that role. Same thing with Judges, because if Judges are going to sentence for

punishment, which may in fact need to be done because most society needs to have some way of enforcing their values, they cannot, at the same time, I think it has been demonstrated here this morning, many other times too, they cannot at the same time sentence for rehabilitation. Perhaps there will have to be two kind of sentences. Perhaps there has to be a determination made as to whether a person needs a punishment sentence or needs a rehabilitation sentence, or maybe they need both, and who is to carry out what. The whole -- what we were hearing this morning about the Board of Parole, you know, we have to be realistic about what the roles are and what the capabilities of these various agencies are, and above all we have to have it clearly understood, in writing, what those roles will be and then how the functions will be carried out in some realistic manner. I, of course -- I believe the Bureau of Corrections should be supported in its programs for releasing people and in its programs in attempting to rehabilitate them. But, no matter how positive the Bureau of Corrections we have here, no matter how we try to improve their programs, they will never really be effective so long as there are other influences which are questioning their authority, questioning their ability. We simply have to make good decisions so that everybody knows what in fact they are

supposed to do.

One of the Committee members this morning said something about revitalizing the community and that we had to make the community safe before they could be revitalized. I think the idea of revitalizing the community is extremely important although I think that the community must be revitalized in order to be made safe. One of the reasons that I so strongly favor the Bureau of Corrections approach to rehabilitate, putting punishment aside for the moment, is that it is a beginning step in helping the community to assume the responsibilities that are really theirs because the community produced these problem people. I think the past has shown us that we cannot have prison systems and parole systems where people at a distance from the lives of the offenders attempt to deal with these problems, because they get back in the community. As Mr. Loningham was saying, you know, everybody wants the community treatment centers, but not in their neighborhood. The neighborhood that produced the offenders really needs to be able to deal with those problem people. Because we are not dealing with statistics and we are dealing with people and some of the people that ought to be involved are the victims of those crimes.

I am terribly concerned for victims and I believe

that we have set up this artificial system, what I have come, you know, through frustrations of seeing it both inside and out and it is a terribly dangerous game that is really not dealing with the problem people that we as a society have created. I have met and known, worked with and associated with in other than work situations, some men who have been guilty of robbery, of murder, of rape, and there presently is a man who has a long history in the Bureau and who, if the District Attorney in that particular county from which he was sentenced was successful in evoking the fourth offender law, he undoubtedly would be serving a life sentence today. And yet, because he is finally convinced that there is someone that he trusts, who in fact cares about him, about whether he makes it or not, his attitude within the institution, his attitude about himself, has completely changed. Now I don't for a minute, I don't for a minute feel that I am capable of giving all the support and the care to this man that he will need. Obviously, I know I can't. But I think this is what we need to be working toward, people in the community, groups of people, organizations of people, who in fact care. And if we use, you know, the care and loving in the adoptive sense to really care for someone can be far tougher for them than as I think Commissioner Sielaff was saying merely doing time today.



Because when you care for someone, it's not just a question of patting them over the head and saying, well, I know you will be a good boy or you will be a good girl and we'll forget your former transgressions and you will just go on and be a good person. Caring means a lot more than that. Caring means to be open and honest. Caring means to be able to appreciate problems from their point of view and help them to see other solutions. Now this is what, you know, institutional prison sentences have a very difficult job of doing and this is what the community treatment programs begin to do very well. I would strongly support the Bureau in its position that if a Judge denies a release that that inmate should know it because that is part of being open and of being honest about what we are doing and what we are thinking and a Judge should be required to specify why. If he is dealing with another human being, I think that person has a right to know and perhaps, you know, that is part of the tough truth, part of the tough reality that that person needs to face and in this kind of exchange, perhaps the Judge himself will learn some new insights.

CHAIRMAN SCIRICA: Thank you very much. There may be a few questions here. I'm sorry to cut you off a little bit. Are there any questions?

BY REPRESENTATIVE WILT:

Q In dealing with the context of the convict after he has been committed, you have completely written off the Judge's side of the story about what he does for society's sake?

A No, I think that society -- first of all I am very concerned about the protection of the community. You know I happened to think this is the goal of the criminal justice system to protect society. I do not think the main goal of it is simply punishment. However, many Judges feel that society has an interest, not only in being protected, but also in enforcing its norms and its values through punishment. Now when the Judge -- if that is defined as part of his role and he is -- when he is making certain judgments clearly playing that role, then I think that is valid. But I think we ought to know when he is doing that and we ought to come to perhaps a common understanding of persons accused of burglary, of, you know, maybe you will have to break it down, first, second, third degree, I don't know, will receive flat sentences of such and such a period of time for punishment. Now I'm not sure I would like that, but at least if it were clearly stated, then it is something that we could deal with. When we are talking about

punishments, plus rehabilitation, I think we get into, you know, all kinds of murky areas that simply cannot be handled very well. I think the judges are always going to question whether or not their minimum sentence which was for punishment should be allowed to be revoked or some other way threatened by such an agency as the Bureau of Corrections. But, you know, some crimes I think probably we will have to have a punishment aspect to the sentence. And if that is so, let us be clear about it and so be it. And I think the District Attorney's role, you know, it was revealing to me today that the Board of Parole consults the District Attorney before certain paroles are granted. Think about the implications of that for awhile and I think you begin to recognize that such a sub-committee as this has an extremely important role of leadership. I wish I had had an opportunity to respond to Mr. Speaker when he was somewhat addressing the problem of constituents, because I think if our elected representatives have an important role to play in their own communities regarding<sup>education</sup> involvement of their consent on important issues and certainly punishment, rehabilitation, what in fact ends up protecting the communities are very important issues that many, many citizens have no real ideas about. Most of them have never had dinner with a robber. You know, we simply do not

invite murderers and prostitutes to tea and more of us really need to do that.

BY REPRESENTATIVE LEDERER:

Q Mrs. Velimesis, do I understand as you make your presentation you are making an inference that these persons who are sentenced would accept your philosophy if they knew exactly why they were sentenced, is that an inference you are making?

A I don't know that we have ever considered what they would accept before. It is an interesting concept. I have always felt that for rehabilitation to be really successful and there I translate training, education, a total education and experience, that it has -- in order for it to be successful, it really has to be accepted by the recipients, that is, the inmates. I think we have done tragic things to persons in the name of rehabilitation. When programs were not available, when we, fortunately in Pennsylvania this never happened, but I am sure you know of other states where adjustment centers for special intensive care of prisoners were instituted and terrible things were done to human beings in the name of some kind of treatment. So -- you know so far as incarceration goes, perhaps we should talk more about the Judge's role in setting a sentence that in fact expresses the

community's desire or need for punishment. Because if people were really forced to address that issue, they would perhaps also be forced to say, I cannot in all honesty say that I want to punish you, purely and simply for 10 years.

CHAIRMAN SCIRICA: Excuse me, Bill, we have got some time problems here. Maybe Mrs. Velimesis wants to make a final statement. I know she has to get to Philadelphia by 4:30 and Mr. Lay from the Federal Bureau of Prisons, he is here and he has to leave by 3:30.

MRS. VELIMESIS: In all, I would think that the Bureau of Corrections really needs to be supported in any of its rehabilitation programs that involve community resources. But there we are dealing with people, we are not dealing with burglary, or robbery, you know, that we can deal with through punishment. But when we are talking about people and rehabilitation, then it is people and I think there has been a number of remarks made today that suggest rehabilitation, the amount of it that can occur in a prison, is extremely limited. There is some, but it is very limited, that it is far less expensive for taxpayers to have existing resources utilized.

As a matter of fact, I was doing a little calculation, if my program took just five women a month out of

the House of Corrections in Philadelphia for women that were not yet tried, because of the average length of stay there, just five women a month, we would save the city \$28,000. And if you multiply that in terms of state expenses, you quickly get up into the millions. I think it is very important for committees like this to keep in mind the fact that starting new programs, community programs, does not necessarily add all of it on top of the Bureau's existing programs because if we really believe that rehabilitation takes place in the community and the community people are very important to involve, then we must devise ways of doing that. We also recognize that some of our prisons are going to have to be closed and that the money that now goes to operate some of the state prisons, although we always probably have to have a couple I'm not saying that at least in our lifetime we could close them all down, that a number of them could be closed and that money transferred to community projects.

CHAIRMAN SCIRICA: Thank you very much for appearing today. I hope we didn't keep you too long and thank you for being patient.

(Witness excused)

CHAIRMAN SCIRICA: The next witness is Mr. Stanley

Lay, who is the Director -- Regional Director of Community Treatment Services with the Federal Bureau of Prisons, and I thank you for being patient, Mr. Lay, I know you have a time problem just like Mrs. Velimesis.

STANLEY LAY, called as a witness, testified  
as follows:

MR. LAY: Well thank you for asking me here. I certainly found it a worthwhile day so far. I have a prepared statement and, with your permission, I'm going to ignore it because I think a great deal of what I say here has already been said, particularly by Mr. Sielaff and his staff. I'm in the same business as he at the Federal level and I think essentially these programs are the same wherever they are implemented. Our programs in some degree vary from the state of Pennsylvania as they do in nearly every other state, but we have over the past several years tried to incorporate the better elements of any such programs that we have been able to identify. And we have also attempted, through the process of trial and error, to eliminate some of the good ideas that seemed good at the time but didn't prove to be what we thought they would be.

The Bureau of Prisons became actively engaged in

community programs as such in about 1960. We opened three, at that time we called them pre-release guidance centers. One was in Chicago, one was in New York, and one in Los Angeles, and they were by design three different kind of facilities. The one in New York was in a Y.M.C.A. and we contracted with the Y.M.C.A. staff to run it. The only input we had was some broad guidelines in furnishing the money. The one in Chicago was in a Y.M.C.A. and was staffed by Bureau of Prison staff, and the one in Los Angeles, which I happened to help open, was our own building in a residential neighborhood, staffed by Bureau of Prison staff. I was interested in some of the comments about community reaction because we leased an old Baptist Seminary that was vacant and within 10 days had a massive community mass meeting to protest this, and we learned then that you cannot move into a community cold-turkey, no matter who you are. We were able, through a great deal of persuasiveness and considerable support from the local police interestingly enough, to get the community to agree to let us try it on a trial basis. I think it is of interest and I won't belabor it, that the lady next door who was most vehement about these convicts living next door to her, brought over several trays of cookies and pickles at Christmas-time to insure that these convicts were able to



celebrate Christmas. What I am saying I think is that education can occur in the community.

We did not, at that time, have a very large program because we had limited legislation. At that time, it was limited to juveniles and those under the Youth Corrections Act, because the nature of the law said, we could put them where we wanted them whereas we needed enabling legislation for adults. This came later with the Rehabilitated Offenders Act back in 1965, when our work release program started.

Rather than go into the rationale, I think it has been covered here. There are a few basic points I would like to make. We agree as has been stated that since all but a minimal number of prisoners, inmates, residents, whatever you choose to call them, do return to the community, most of them by choice or by law return to the community from which they were convicted, that we do not feel that these kinds of programs introduce convicts into the community. We merely feel or strongly feel rather, that since they are coming back anyway, perhaps this is a more controlled and more positive means of getting them back into the community. Now, in the Bureau of Prisons, the Federal Bureau of Prisons, participants in our community center programs have already been granted a parole date. The furlough and work release programs, this

isn't true, they may or may not have. But the community treatment center as we use it is a transitional period of time usually for us from three to four months. It varies depending on the time of the parole grant, as well as the need of the offender.

Work release was seen as a great panacea initially and I think it has far more value to the state systems than it does to the Federal systems, and the reason for that is that our Federal system is such that we may have inmates from California, because of their age and the nature of their offense, located in Danbury, Connecticut or Lewisburg or Atlanta, or wherever. Work release has value mostly to those people who live in a fairly close distance from the institution in which the work release occurs. If they live too far away, this is merely a temporary job that they are going to get until they leave that institution and go home and go through the process again. Even under those conditions, of course, it does provide pre-release funds, it provides some very positive community participation, some re-orientation towards the world of work in the community, but it has its major value to the person who can conceivably get a job which he can hold after release.

I think one of the points bears repeating, even

though it has been mentioned today. You might be interested in some of the statistics on our work release program and one of the reasons I would like to mention them is this. We tend to look at these programs as costing additional monies. But keeping in mind that work release <sup>people</sup> are inmates who are incarcerated and who cost X number of dollars a day to keep locked up anyway. In the five year period from 1966 to 1970, the Federal Bureau of Prisons had 7,894 participants in work release. Of these, 12.9 percent were removed from the program for misconduct. This was not a crime in the community, it was a failure to, oh, many things, failure to go to work, failure to get back on time, it was a regulation infraction. We had 5.3 percent escape. This is calculated risk that has been mentioned here this morning. These participants, 7900 approximately, earned \$7,311,000. They paid, \$1,180,000 Federal, State and local taxes. They made, \$803,000 in payments to the Treasury. What that is, is our charges we make, the \$2 a day or whatever it happens to be, for their participation. They contributed \$1,055,000 to the support of dependents. They placed \$2,116,000 in savings, and they spent in the local community, while they were in this program, \$2,154,000.

Now I think what I am saying here is that instead

of being a dead weight on the taxpayers in the cell block, there are some very positive implications here. In our Federal C.T.C.s, we now have 15 of our own and we have 60 contracts with non-Federal facilities, one of which is the state of Pennsylvania. We buy from you folks on a per diem basis all of these community programs for those Federal offenders who are being returned to the state of Pennsylvania as point of conviction. If they are going to live in Erie and meet your program requirements, then we release them through the area community treatment center.

In our own centers, and keep in mind this is the 15 that we operate rather than 60 contracts, and the reason statistics are separated is that some of the people with whom we contract have rather limited abilities to provide us with the kind of records that are on the staff. Some of our contracts are pretty minimal. Some of them amount to a little more than room and board and to tie in with the local state employment office. But of the 15 centers in the two-year period, we had 1350 participants, 8.7 of them or 118 absconded. And really, keeping in mind that in the centers that these people were already within 90 days of parole. When I say 118 of them escaped, they merely jumped the gun. All but two of them have been returned. Of this 1350, 108 were returned

by our staff to the institution. And I think this is a significant point, because our Federal Parole Board sees these programs as good testing ground to determine the validity of their decision. In other words, there were 108 people proved during this situation that they were in fact not ready for parole, even though they had been granted parole and as a result of their return, the Federal Parole Board revoked its own decision to parole them. So, I think this testing in the community has some validity.

You might be interested in the kinds of people who escape. There was some talk here today about the nature of the crime in terms of people put into these centers and when we first started we screened them very carefully. As someone pointed out this morning, anybody who got through our center would have made it anyway. You almost had to be gold-plated to qualify. But we quickly determined we were not proving anything, we were merely running the probable success cases through and ignoring those people, who because of their needs, would probably fail without some support. So, we acquired a certain boldness as we went along, and we have now removed practically all restrictions except some that are imposed by Congress, the major one being organized crime, if they were participants in an organized crime setup, they were

eliminated as well as the deeply, mentally and emotionally disturbed, who probably could not be controlled in that type of setting. But, of the ones who escaped, 118 escaped, 53 percent of them were dire acts. That is probably the most minimal crime that can get you into a Federal institution. It is auto theft. Over half our escapes were so-called persons who aren't really a threat to the community anyway in terms of violence. Nine percent of the escapes were drug offenders, and by that I mean known addicts. Six percent were convicted of robbery and larceny and nine percent were convicted of forgery, and the balance, 20 percent, were just miscellaneous. But these four major categories accounted for eighty percent of our escapes and the percentages for the return to the institutions through program failure are almost the same. Forty-three percent of the returns were auto thefts, nine percent drugs, robbery and larceny eighteen percent, and forgery six percent. Our furlough program is, I think, a little broader than yours in that we even use it up to 30 days for special training courses that may be available in the community that we are not equipped to give. We very often use this where a man may have been through a vocational machine shop training course and there may be an adult education course out in the community that is much better or will

add the finishing touch. We use furloughs for medical treatment that we cannot provide in the community. We use them for, of course, family emergencies and locally we use them for the more social kind of things. By that I mean getting re-acquainted with the family, participating in church activities, attending A.A. meetings, this kind of thing. But here again this is limited for us because most of our inmates do not have families that are close to where they are located.

We feel that the furlough program is one of the most positive low-risk programs we have, because again it provides some very sound testing techniques that are impossible in the institutional setting. We recently had a 24-month study that included the fiscal years of 1971-72. We had 2,123 participants, most of these went quite long distances. Out of these 2,100, there were 15 failures to return which was .7 percent of the total participants and this is numbers of inmates, not numbers of furloughs. We feel that risk-wise the risk is minimal enough there that we have no reservations about our furlough program. We feel that the community treatment center program and the work release program do have risk. We are certainly aware that they create anxieties in the community, but this has all been pretty well covered by several testimonies and questions. So, I won't go into it.

But I feel in summary, that the correctional system as such is very limited in what it can do. We can warehouse bodies. That is basic. We have no control over inputs and we have no control over the outflow, which means that we can go through periods of vast over-crowding with no control because we do not control the crime, nor do we control the sentencing. Population can build up just because of a shift in policy on the part of the Parole Board. A shift in policy in terms of length of sentences can do fantastic things to limited staff, limited programs, and limited resources. There has been some talk of legalizing marijuana. If they did that, that would immediately relieve our population problems because a large percentage of our people are serving rather long terms for marijuana offenses. So what I am saying, there are so many things beyond the control of the correctional system itself that we are acutely aware of the limitations as to what we can do. We realize that any training program inside an institution is by the very nature of it an unrealistic one. There is no way that I am aware of where you can duplicate what one of you gentlemen mentioned this morning an eight-hour work day. These men have to be counted three or four times a day, they have to be marched back and forth to the chow halls, they have to be pulled out



for dental appointments or case-work counseling, for interviews, for family visits, whatever. And to say that we are duplicating work habits in the community or work conditions in the community is not true.

Five years ago I was appalled to find that one of the institutions in the South had a machine shop program and they were using polydriven lathes that were taken off of World War I German submarines. Now keeping in mind that many of your machine shops in the community are now computerized and that there is no way that we could duplicate that kind of expensive equipment in the institution, plus the fact that there are some 4,000 occupations listed in the dictionary of occupational titles and the very most programs that any of our institutions have would be six to eight programs. This means that one of two things happens. Either you train those very few people who are interested in one of these six programs, or you grab up people and shove them into a program in which they have no real interest, but it's better to go learn to be a machinist than it is to pull weeds when in fact the person may want to be a cook or something else. So what we are saying is, as long as better training programs exist in the community then we feel we need to find some way to utilize those for those people who are not in fact a threat to the community.

The people who are a threat to the community, we must learn to identify and separate and I think forget about them as far as this kind of program is concerned. I think that is essentially about all I can tell you folks unless you have some specific questions.

CHAIRMAN SCIRICA: Thank you very much. Any questions? Tom.

BY REPRESENTATIVE MALONEY:

Q How -- what do you do with the sentencing Judge on the Federal level?

A The sentencing Judge on the Federal level has no input whatsoever. Except we now have some Federal legislation where he can sentence them into this program. But that is, I think, the opposite end of what you are talking about. He can use what we call, study cases. A Judge may be boarder-line. He isn't sure whether he wants to grant probation or a sentence. He can put them into one of these centers for 90 days' observation and we do a diagnostic study. Again, it's a testing situation. He may be saying, if you can get this fellow a job and he can stay out of trouble for 90 days, then I'll grant him probation. But if he gets in trouble, then we will slap him with a sentence. But it's the input or the initial part of it where the Federal Judge has some input. Once a man

is into the Federal system, then he has -- then our only control outside of our own policy is the Federal Parole Board, in that as I said, they must have granted a parole or the man must be eligible for one by the time we put him into the center.

BY REPRESENTATIVE HUTCHINSON:

Q Of course, you don't have in the Federal system by its nature, you don't have as many people being sentenced, Federal crimes being different, you don't have the community problem that you have in the State system, I wouldn't think anyway.

A Well only in the large metropolitan areas. There we do. You see, most of our releasees, most of our Federal releasees are concentrated in the big cities. We have four centers in New York City alone and need six or eight more because we release a couple of thousand men a year there. But you are certainly right, we average around 23,000 inmates on any given day and there are now some states, one which is California, which has more people than that locked up. So that we are not the big, massive system some people think of.

BY REPRESENTATIVE LEDERER:

Q Are most of your inmates in prison for crimes of non-violence?

A. Mostly, because most crimes of violence are of local jurisdiction. The exception to that, of course, is that any crime committed on a military or Federal reservation comes to us which means we have many Indians, we get juveniles of military families, this kind of thing, and any crime could fit in there. But the bulk of ours are interstate transport of something that was stolen, mail theft, bank robbery, and those crimes that have specifically been identified as Federal.

Q. When you release a person for emergency family furlough, is he released unescorted as a result?

A. Right. We used to, prior to this program, the only way a man could get a furlough was if the family would pay the cost of an escorting officer. Interestingly enough, the difference between our failure rate in the unescorted as opposed to the escorted is unidentified. Maybe one man out of a thousand or something. So I think what I am saying, if a man intends to escape, he can escape from an escort as well.

Q. You have some type of a system in programming a person for furlough which separates the person who is imprisoned because of psychotic-type personality due to the type of crime he committed compared to non-psychotic.

A. Well, yes. I think essentially we go through the same process as Mr. Sielaff. It is a judgmental decision

based on the recommendation of the people who work with him, the case worker, the <sup>work</sup>/detail officer, the medical staff. If a man is known to be very emotionally unstable or psychotic, most of those, the aggravated cases, are in our institutions such as Springfield anyway and they for instance have a thorough program but it is way down in terms of what they estimate the risk to be.

REPRESENTATIVE LEDERER: Mr. Chairman, I would appreciate if the remarks of Mr. Lay were given to all the members, including those that are not here. I think he did an excellent job in presenting a modernized concept of social justice.

MR. LAY: Thank you, I might -- one thing had I read, as I would have described the process whereby we contract and with no effort to flatter anybody, we are pretty thorough and we have contracted with the State of Pennsylvania not because these programs meet our minimal requirements, but we frankly feel that there are many aspects of them that are superior to some of our own programs. Now, I am not saying that to throw any weight one way or the other. But it is much less expensive for us to contract than it is for us to build our own centers because our releasees are rather sparse. We might perhaps release 20 or 30 men a year in the State of

Pennsylvania. Where we feel it takes 200 releasees to justify our own center and so if we used only our own, that would mean we would only have them in places like New York, Chicago, and Los Angeles. Through this contracting process, we can avail ourselves of the resources you have developed and pay you, based on your own per mandate cost, and this gives us a resource that is feasible without being improbable from a financial standpoint.

BY CHAIRMAN SCIRICA:

Q You are saying that prisoners who are released on a community treatment service of Federal Bureau of Prisons go into Pennsylvania centers?

A Yes, Sir.

Q Is that administered by the Pennsylvania Department?

A Right. Once we contract with you, your ground rules apply. Whatever you charge the inmate, whatever your furlough regulations, whatever your -- if you say he has to be in at 10:00 o'clock, we say he has to be in at 10:00 o'clock and we buy that service from you. And the only controls we have then are the technical ones or the papers you prepare when you release him which a Federal Probation Officer is notified. Beyond that, we -- the man is turned over to you.

BY REPRESENTATIVE WHITTLESEY:

Q Would you have any criticisms of the Pennsylvania program?

A No we don't. I have my staff, we have only regionalized during the last year or so in sort of a get-acquainted kind of operation. I have had my staff into all of your facilities on what we used to call a jail inspection. We no longer have jail inspectors, but they're program officers and they spend a day or two there. They talk with the staff and with the inmates and with the community around it. And the reports that come back to me and the Bureau are very positive. Our only criticism is that sometimes you are so crowded that you don't have room for ours.

BY REPRESENTATIVE SCHEAFFER:

Q Do you feel that inmates should work in correctional industries?

A Frankly we have found this -- it is better than nothing, but it is a poor substitute, Sir. By that you run into several things. We have a tremendous problem with the business of competing with industry. The labor unions are very much against it. Anything we produce as sold on the open market is seen as a threat to private industry. So our products are limited entirely to other Government agencies and

there was even some objection to that. A manufacturer of metal desks said, well if you weren't selling them to the Air Force, we could, and now we have a great deal of pressure against us from the blind workshops. They say that we are taking away some of their markets. So we are beginning to phase that out in favor of community work. Now, I'm talking about the formalized work. I am not talking about the man who works in the laundry or in the kitchen preparing the food or the maintenance, the housekeeping chores, the operating of the farm, that kind of thing. I think those are very essential, particularly for people who can't acquire custody status. But the factory-type operation, really we are losing money on most of them. They are not profitable to operate because of those things I mentioned. You do not get an eight-hour day out of the inmates, and we don't operate all that efficiently believe it or not. We cannot get enough budget to keep modern equipment and to get the best instructors and get the best shop teachers. So I'm afraid that I must say in some cases where we thought we were teaching them work habits, we were actually teaching them poor work habits. I have watched men come to our centers and their first eight-hour day on the job you had to carry them up the stairs because they weren't used to working eight hours a day. Because in



effect it boils down to four, four and a half hours of total work in the institutions. Now part of that is just poor planning, poor programming, lack of staff, lack of money, and all of those things. But more and more we are convinced that to try to duplicate any community activity inside of a very expensive to operate institution is not very feasible. It can be done better in the community.

Q About how many men do you have at your institution at Lewisburg, if you know, just within 100 or 200?

A I would be hard put to guess. I think it is somewhere around 700.

Q Could you guess how many men of that provable group are on work release programs?

A Very few there, because Lewisburg has no industry close enough by to be feasible. This is one of the problems with institutional work release. Where do we build our institutions? We build them off out in the woods where nobody can see them. The community doesn't like to be reminded that there is a prison sitting out there. And work release, to be feasible, must be near community transportation, but it also must be near an industrial area where the community can absorb these people without depriving other citizens of employment. We had a tremendous problem at Danbury, Connecticut. This is

where our first work release program was installed. There is a community four miles away, 25,000 people. We had a gung ho warden and a gung ho work release co-ordinator and we had over 100 men out in the community working and the citizens began to say, you know, I'm having to go on welfare because a convict has my job. So, as I say, work release is -- on that scale is not good. Now on the local level, out of the county jails, 10 or 15 men properly selected and scattered through the community, pose no threat to the community. They are easily controlled and it is realistic. But most of our large institutions are out in the rural areas where it is very difficult to get the men into town like if it's shift work, to have a man come back to the institution at 2:00 o'clock in the morning, it presents a lot of problems. So more and more we see the community treatment center as a better substitute for several reasons. It gets him back into the community where, hopefully, he can keep the job that he gets while he is there. He is learning to work in the community where he is going to live and it's a much more positive thing. So, our work release program as such in the Federal system is actually decelerated, but that doesn't necessarily apply to State programs, because many of your institutions do have a significant number of people who are going to be released to that immediate area.

And I think for them, work release is just as realistic into the community.

Q Do you have some prisoners that are released to go to college or training schools?

A Yes.

BY REPRESENTATIVE SCHEAFFER:

Q Who pays for that?

A Sometimes it is a Government-funded thing. If -- these are usually pilot or experimental programs, but if it isn't that, they do. We have tried several times to get funds from Congress to buy education for inmates outside and we seem able to get the money to try to furnish it ourselves, but very difficult to get money to buy in the community. Many of ours are participating in the community college setting where there is no tuition as such, or very small amounts. Even that may pose a problem if they have no funds because you have got bus transportation and incidental expenses. But, we have had some men actually acquire college degrees through some of these funded programs, our community volunteer programs. But usually they were people who were partially through the college process anyway. Because I would be very reluctant to suggest that a man could probably complete four years of college out in the community. As someone complained about this morning, any inmate

will tell you that it is rougher to do time in the community than it is in the joint. As one man said, there are too many decisions to be made out there. I said, like what, and he said, well, every night at 5:00 o'clock I have to decide whether I'm going back or not, and he said the longer I am out there, the harder it is to make that decision. It is sort of a dangling something in front of their nose. They are almost free but not quite, and the more they think about going back into the institution at night, having been out in the community, the harder it gets. So it is not a great reward type of thing that we think of sometimes. And some of the inmates are very reluctant to apply for this sort of thing because they don't trust their own strength under these conditions. And of course when they are that weak then, the question is how much strength are they going to have when they go out without any support.

CHAIRMAN SCIRICA: Any further questions of Mr. Lay?

(No response)

CHAIRMAN SCIRICA: Thank you very much.

MR. LAY: Thank you. I have enjoyed being here.

(Witness excused)

CHAIRMAN SCIRICA: For our final witness, we have -- witnesses, we have two residents from Muncy. I am sorry I don't know the names of the ladies. Mr. James Murphy is here with us today. Mr. Murphy would you please present to the Committee the witnesses who will present testimony before us today. My understanding is that the four of you are guests of Senator Hager and Representative Wise, who unfortunately could not be here with us today. But they wanted very much for you -- to afford you people an opportunity to appear before the Committee.

JAMES P. MURPHY, SUSAN REID, KAREN DISTEL,  
SHARON WIGGINS, called as witnesses, testified as follows:

MR. MURPHY: Fine, thank you. We appreciate the opportunity to be here and are obviously proponents of the system as described through the day. And as Mr. Lay, from the Federal Government, who I feel gave the whole system a boost because the Commission seemed very, very interested in what he had to say, which is exactly what the state of Pennsylvania through Commissioner Sielaff is attempting to implement in this state, the Federal system is buying it and are very satisfied.

I would like to introduce ourselves. Myself as Superintendent of the State Correctional Institution for Women at Muncy. Susan Reid, who is the Deputy Superintendent for Treatment, Miss Karen Distel and Sharon Wiggins, both residents of the State Correctional Institution.

Now we were not advised directly as to the material that would be discussed here. None of us have come with prepared statements of any sort, and would like to have you, the Committee, find out from us, Miss Reid or myself, maybe the technical things that we are doing in relation to work release and the whole pre-release program and the two residents as people who have been in the community, either through furlough or through school release. And maybe in this way, as one of the residents so aptly put it downstairs, it seemed this morning in some of the testimony that was being given that without working with the actual residents of the institution, it seemed like they were dealing with used cars. You can just kind of integrate that a little. It's a very funny feeling I am sure being part of the system and being dealt with in such a distant manner at times. So what we would like to do is immediately be open for questions from any or all of you from the Committee or the floor.

CHAIRMAN SCIRICA: Mr. Wilt.

BY REPRESENTATIVE WILT: (To Miss Reid)

Q Very directly, how are you being accepted in the community? What kind of associations are being developed? What is the local acceptability?

A You are speaking of our furlough program?

Q Yes.

A Well, initially, very poorly of course. The communities around us, this was a new idea, the communities around us were very frightened. They were used to a system before that never let people out into the community or into any community in general. There was quite a furor about some of the changes within the institution, and of course, when we began to mention furlough even more furor. We have a furlough system now for almost two years. Our local communities are accepting us, we'll say at this point guardedly but graciously. We think as two reasons. One, we have been very careful in selecting those women, and incidentally I might add we have seven men prisoners at Muncy, and those men that we have furloughed. And the other thing that we have done a lot of explaining and tried to be as sensitive to our surrounding communities as we know how to be. I might add, and this is purely from myself as a woman who works with women in corrections that coming on last is not unusual. I would say that our

furlough program and the problems that we have with our furlough program in terms of the kind of dangers that could occur and do not, the reaction of the public is no different than the kind of problems that the major men's institutions face in their own community.

We have had problems, we have made mistakes, we think we have learned. At this point we have a very good, we think, furlough rate. We have had only 19 furloughs that we considered not successful. By that, they did not return or that they returned late. Most of those women turn themselves in either by actually walking up to a policeman, you know, and saying, yoo-hoo, send me back home, or by not evading capture very hard. Even to the point of having one woman who had been picked up on suspicion in Ohio calling collect to say could she come home.

That I know of, we have only had on any furloughs that we considered not successes, one arrest that is still pending. Another arrest that was dropped. So that we think at this point our furlough system, I'm separating very specifically from community-based treatment as a whole which is very much of a success, we can't really speak too much on community-based treatment in residents because as the gentlemen this morning were mentioning, particularly to Mr. Loningham,



there is virtually nothing. We have used private agencies such as the <sup>Pennsylvania</sup> program for women and girl offenders, for which Mrs. Velimesis works, or similar programs in different cities after they have been investigated and supervised by their local bureau community base centers and again, although this is of limited use, there is nothing for women, we feel this is a success and we are waiting, although not holding our breath, to move more and more of our women out of the institutions into the community base status.

One more brief thing as far as community, when I think of community I think of Judges as part of the community too. There, of course, we have had our problems. Those of you who may have been from Pittsburgh have read about some of our problems with one of the Judges from Pittsburgh where there was a great misunderstanding as to what is the definition of furlough status. We can say that since the Bureau policy came out of the meeting in whatever month, how long ago was that, June I guess it was, we have never furloughed a woman over the objection of any Judge ever and we generally do not even press it any further. Our feeling is that if a Judge has an objection we think that he may know something that we don't and we look into it very carefully. We think about it very carefully. If we then go further, it is because we have evaluated what

this man is saying because he is a member of the community, he is there, and he is a representative of his constituents so that we think very carefully about it. Other than that --

BY REPRESENTATIVE SCHEAFFER:

Q How long have the men been there?

A A little more than a year. They have not all been there for more than a year, but we began bringing them in more than a year ago.

Q Do you have any trouble?

A None, none.

BY REPRESENTATIVE LEDERER: (To Miss Reid)

Q Could we get some biographical facts on the record? Would you mind answering? How many persons are -- what is the name of your institution?

A State Correctional Institution, Muncy, Pennsylvania.

Q How many persons are there in your enrollment?

A A hundred and sixty, give or take. Our population fluctuates daily.

Q What is their sex?

A We have seven male prisoners and the rest are women.

Q And what is approximately -- what is the minimum

and maximum age of the persons at your institution?

A Sixteen to 62.

Q Sixteen until 62?

A Oh, I might add, we have juvenile sentences, young women of juvenile age who are on adult sentences. We have Federal prisoners, we have county prisoners which means they have a sentence of 23 months or less, we have state prisoners and we have detentioners from the county and occasionally we have had detentioners from the Federal people.

Q And what is the breakdown from, say, from Allegheny County and Philadelphia generally, if you know percentage wise of your persons there?

A I figured this one time. I figured if we took Allegheny County and Pittsburgh and Dauphin County that we came up with more than seven percent of our total population. And I might also add that every once in awhile for a day or a week that Dauphin County will edge out Allegheny County for whatever it is worth.

Q About, and I don't want this to be statistical, by your impressions about how long does a female stay at your institution?

A Eighteen to 26 months. The range -- the majority of sentences in our institution fall within the three year to

five year maximum sentence. So that most of our women are going to be serving between 18 and 26 months.

Q What would the average age be of your females?

A Twenty-seven.

Q Average age is 27?

A Yes.

Q So you have girls below 21 in the same institution with girls 27 and above?

A Yes.

Q Do you think that is a good thing for the objectives of your institution?

A We do not believe children belong in an institution with adult women, adult offenders, no we don't, but they are there.

MR. MURPHY: To keep for the record, it has been changed now so that from February 1 we will no longer receive juvenile delinquents who do not have adult charges. However, we cannot at this point in time rid ourselves of those juveniles who are incarcerated with us who are there for being juvenile delinquents and incorrigible.

BY REPRESENTATIVE LEDERER: (To Miss Reid)

Q What type of training programs do you have for the young people?

A Same as for the adults. We have education through high school, we have adult basic education which is primarily remedial and we have education leading to a G.E.D. diploma. We also have at this point five women who are going out to school and this is what some of you may have read about in the Pittsburgh Press, who are going to the local college, Williamsport Community College, under escort. One of them is going under the G.I. Bill. One is paying her own way and the rest of them are going to be paid for it by the Bureau of Vocational Rehabilitation. We ourselves have no funds to pay for this. What we furnish is the escort and transportation.

MR. MURPHY: Mr. Chairman, I don't want to lead the Committee, but I think that I feel sitting here now we are missing an opportunity here, or at least you are, to find some of the feelings out from two residents who are incarcerated in the institution and using the system. We have two women here who can answer some of your questions and give you feelings of those persons who are in the system.

BY CHAIRMAN SCIRICA: (To Miss Distel)

Q Have you been on community treatment status?

A You mean like furlough, I was on furlough.

Q You have been on furlough?

A Yes.

BY CHAIRMAN SCIRICA: (To Miss Wiggins)

Q Have you been on furlough?

A No, I am part of the school release program.

Q School release program?

A Yes.

Q Have you been satisfied with the way those -- the selection process in those programs has been administered?

A Well I'm not exactly sure, because at this time there are only really about 30 women, maybe not even that many, who are eligible for the community college. But out of those 30, only five can go because they are sponsored and because there is no funds, you know, it is impossible for them to go.

Q Who sponsors you?

A The Bureau of Rehabilitation.

Q What does that mean, sponsored? Does that mean paying for it or does that mean supervision?

A Yes, it is being paid for. I guess it comes under physical or mental handicapped and, because I have been arrested and because of time that I am serving I was able to apply for it and receive it.

BY REPRESENTATIVE KELLY: (To Miss Wiggins)

Q Could I ask one clarification? If you go to school, accompanied by a guard, then this is not considered furlough?

A No.

MISS REID: If I may --

BY REPRESENTATIVE KELLY:

Q In these two cases, you were in the furlough program and you were in the school study program?

MISS REID: Of these women who were going to W.A.C.C., Williamsport Area Community College, two of them have not received permission from their Judges to go on furlough status of any sort, in other words, to leave the institution unescorted. Miss Wiggins is serving a life term. So that in order -- last semester we had eight women in the college programs. Several of them made parole. We are now down to five because that is all the Bureau will fund. Well, obviously three is all they will fund. We consider it our obligation both to continue programming for our women the best way we know how and to abide by the regulations the Bureau has set down and the wishes of the Judge. So, in the case of Miss Wiggins and one other woman at this point, two other women at this point, we are escorting them to school, they are under constant escort, thus they are not on furlough status. They are constantly escorted by staff.

BY REPRESENTATIVE KELLY: (To Miss Reid)

Q This is the point Judge Smith mentioned?

A This is the point Judge Smith mentioned. Judge Smith apparently felt that we were -- I'm not sure what he felt at first. He felt that we were letting them go out to school against his orders unescorted. I don't understand how that happened. I really don't feel comfortable commenting on it. And then later felt that what we were -- somebody said we were escorting them, he felt that this was a matter of semantics.

Q That is what I was trying to clarify.

A I don't know how it could be a matter of semantics when we have some people under constant escort. It is pretty difficult.

BY REPRESENTATIVE WHITTLESEY: (To Miss Reid)

Q Does the escort sit with the student?

A The escort does not go into the class and sit there, but the escort is in constant visual contact.

Q And the Bureau of Corrections provides the escort service?

A We provide it and we pay for it.

BY REPRESENTATIVE HUTCHINSON: (To Miss Reid)

Q You provide that person on your staff?

A Yes.

Q So that person has to be taken away from other



duties, essentially you got a one-for-one basis on that person.

A That is right.

BY REPRESENTATIVE LEDERER: (To Miss Reid)

Q Couldn't you use another person at the institution?

A Our staff is strong, so finally you -- that sometimes you are looking at one of the most expensive chauffeurs to court, for instance, that you will ever --

Q I mean, another inmate, couldn't another inmate --

MR. MURPHY: According to law, that is not possible.

MISS REID: No, it has to be a paid staff member.

BY REPRESENTATIVE LEDERER: (To Miss Reid)

Q Because of legal restrictions?

A That is right. If we are to fulfill our obligation by field directorate and supporting what Judge Smith wants, then we do this.

Q Do you think that the law should be changed that you have people that you could trust to go with the students?

A I think -- yes, or have more staff, something. Certainly there are many people who could be trusted. We certainly are not sending out to school any of our residents that we feel would be a danger to the school. We are very, very selective. It does not behoove us to send out on a be-

ginning venture, such as this, women who would be a danger to the community. We are trying to build a work release program so that obviously at this point we are perhaps even missing women who would be competent to go out to school.

Q Now these two ladies that are with you, have they been informed that they are permitted to speak freely?

A Oh yes.

BY REPRESENTATIVE LEDERER: (To Miss Distel)

Q Are you two ladies willing to talk about your background? Do you have any inhibitions? Are you willing to talk? What is your sentence, Miss?

A I have three years for drugs.

Q Three years for drugs, how many times were you arrested?

A Twice.

Q What was the first charge?

A Writing checks.

Q How old were you then?

A Eighteen.

Q Is that the first time you were arrested?

A I was arrested once as a juvenile for shoplifting. The charges were dropped.

Q How much was involved in your check writing charge?

A \$271.

Q Were you given an opportunity to make restitution?

A Yes.

Q Do you think that your sentence was fair?

A Which one?

Q Present sentence, two years.

A My present sentence, it all depends on how you look at it. It is my first drug offense actually. Okay, maybe a pusher could have walked in the Court room and maybe it was his third or fourth offense and gotten two years probation.

Q I take it you were arrested for possession of drugs as a user?

A Yes.

Q Do you think this is where our state should send girls who were convicted of this offense?

A How do you mean, Sir, a state institution?

Q Yes, to this particular institution.

A Yes.

Q Do you think sending you there, not you as an individual, but people in your category, is the best way to handle the problem?

A Right now it's the only way you seem to have.

Q When you arrived, did you have complete medical

rehabilitation offered to you?

A When I arrived at the institution?

Q Yes.

A By the time I arrived at the institution, I was clean and did not need any medical attention.

Q How long were you in prison before you arrived at this institution?

A Seven months.

Q Where were you before?

A Lehigh County Prison.

Q Were you offered any rehabilitation -- any medical rehabilitation there?

A No.

Q In other words, you were just --

A When you enter the Lehigh County Prison if you are on drugs and kicking, you are put in a hole. There is a board there. You are kept there until you have kicked and then you are taken upstairs with the rest of the population, which is sixteen girls.

Q What program, if any, was offered there at Lehigh County for seven months?

A For the women, nothing.

Q Nothing, no educational program?

A Nothing, we had church ladies that came in on Sundays.

REPRESENTATIVE LEDERER: I wanted my colleagues to know what happens to little girls that are caught with drugs.

BY REPRESENTATIVE WHITTLESEY:

Q How much -- what kind of drugs did you have?

A I was charged with possession of heroin and possession of marijuana.

Q How much heroin did you have?

A I had a cooker with traces of heroin in it.

Q A cooker?

A Heroin is a drug that you put into a little metal cap and you add water and you cook it before you inject it. I had this cap. When they sent the cap to Harrisburg to be analyzed, they found traces of heroin. Therefore, they gave me possession of heroin. Marijuana, I had approximately \$5 worth.

BY REPRESENTATIVE LEDERER:

Q Were you in high school at the time?

A No.

BY REPRESENTATIVE HUTCHINSON:

Q How old were you at that time?

A When I got busted for this?

Q Yes, on the drug charges.

A Nineteen.

Q Nineteen.

BY REPRESENTATIVE LEDERER:

Q What kind of lawyer, public defender or private?

A Public defender.

BY CHAIRMAN SCIRICA:

Q Did you plead guilty?

A Yes.

Q How many times have you been on furlough now?

A Once.

Q Where do you go?

A I went back to Allentown.

Q Does your family live there?

A Yes.

BY REPRESENTATIVE KELLY:

Q How long were you there?

A Six days.

BY CHAIRMAN SCIRICA:

Q How was that?

A It was hard. Not so much that I could not adjust

to them, it was more the fact that they couldn't adjust to me being there. Society feels that -- it was discussed here earlier too, when they put a person in jail, it's like they are putting them in a deep freeze and saying, well, help these people we don't want them on the street. But yet, when they have done their time in jail, or are eligible for furlough, they are not willing to be open-minded and conceive of these people ever possibly changing from the way they are. They still consider them to be whatever they were in jail for, either the drug addict, burglary, whatever, they are still the same in their eyes. When I was on my furlough, I think I was stopped four times approximately by policemen.

Q Why was that?

A Just to check and see what I was doing.

MISS REID: Because we notified them from the Bureau of Corrections.

BY CHAIRMAN SCIRICA:

Q They knew who you were?

A Yes.

BY REPRESENTATIVE KELLY:

Q How did they stop you?

A Walking down the street.

Q In a car?

A They had a car, yes. They would stop and I would have to show them my papers stating that I was on furlough and not a runaway.

Q Were these four different officers?

A Yes.

BY REPRESENTATIVE LEDERER:

Q How long were you using drugs when you were busted?

A About three years.

BY REPRESENTATIVE SCHEAFFER:

Q Did you do any work?

A Did I?

Q Yes.

A I worked as a nurse's aide, my father owned a body shop and I worked keeping books for him for awhile.

Q Do you work in any program at Muncy?

A Right now I am working for Correctional Industries. I keep their payroll.

Q At Muncy?

A Yes, and keep their farm books.

BY REPRESENTATIVE KELLY:

Q How much are you paid for that?



A Thirty cents an hour.

BY CHAIRMAN SCIRICA:

Q You indicated that you had somewhat of a difficult time when you went back home on furlough, would that prevent you from going back again?

A No.

Q You would like to go out again, on furlough?

A I would like to go out again on furlough, yes.

MISS REID: May I clarify something?

CHAIRMAN SCIRICA: Yes.

MISS REID: Karen is talking about something that we consider treatment and one of the reasons we are pushing for a furlough system. A bad furlough is probably much more helpful to anyone of our clients than what it is a good furlough does for them. Karen went home and she learned something that is a problem. And now she is saying, no, I can't go there and rather than us saying you can't go home because things didn't work out, we are not saying any illegality happened, we are now helping her to look at what happened and begin to look at what kind of life decisions she wants to make, where she wants to live, if it's not there, where, if it's not this kind of location, what then. It is very hard to explain sometimes to people what we are talking about when we talk about the uses

of a bad furlough. We have also had people who have gone out and come back late and with dirty urine and again that is terribly informative, particularly if we have to make a parole recommendation within one month from then.

BY REPRESENTATIVE LEDERER:

Q Are young girls protected, regardless of what prison you are in from your experience against forced homosexuality?

A Any prison that I have been in, I have never seen forced homosexuality. It is not a matter of protection, it is a matter that it doesn't happen. People seem to class the women's institution with the men's institutions but yet they forget about us when something comes up.

MISS REID: Rape is a man's problem.

MISS DISTEL: In the women's institutions, there is no forced homosexuality that I have ever seen.

BY CHAIRMAN SCIRICA:

Q When you came back from your furlough, did you discuss it with your treatment counselor?

A Yes, I discussed it with Miss Reid and I also discussed it with my own counselor.

Q Do all the girls and women when they come back, do

they discuss these?

A I guess it's a matter --

Q Furloughs.

A Of their own personal wants.

Q Is the opportunity there for discussion with counselors if they want to?

A Yes.

BY REPRESENTATIVE KELLY:

Q How often do you meet with your counselor?

A It all depends, if I have a problem and feel that I want to see the counselor, I can write a request slip to the counselor and he will see me. We don't really have a set-up time for seeing him.

Q Any time?

A It is a matter of --

BY REPRESENTATIVE WILT: (To Miss Reid)

Q Earlier in the day we heard, as far as rate of population was about 50 percent black and 50 percent white. Is that consistent with women's population?

A Fifty-five black, 45 white at Muncy.

BY REPRESENTATIVE LEDERER: (To Miss Distel)

Q Where do you live -- do you live in private

cottages or in cell blocks or what?

A There are cottages on campus, different houses, then <sup>we</sup> each have separate rooms. It's not a cell block, it's just rooms like a college campus dorm type of thing. We have an officer. There is one officer for each shift in each cottage.

Q How many are in the cottages?

A It varies.

MR. MURPHY: The smallest cottage has 21 rooms and the largest has 43. Generally, they are not always full, but there are times when they are.

BY REPRESENTATIVE WILT: (To Miss Wiggins)

Q Were both of you girls in the institution at the point of which some of these furlough programs were initiated and you were there before and after the time?

A I was.

Q Relate to us, will you, what the effects were with the population with the prospect of each of these programs as compared to before when there were none.

A It caused a lot of anxiety, you know, a complete switch. You went from one extreme where we marched in line and had to wear uniforms and stand up every time an officer came in the room to a more liberal setting where we could wear

our own clothes, more or less say what we thought, at least in an intelligent way. And at first it was like mass confusion, because you just, you know, if you are used to sitting at attention all the time and you are told to relax, then you tend to over-relax and, you know, that is the way it was, mass confusion. But in a matter of months it straightened out to where everyone was sort of on an even keel. And in the beginning you sort of thought, well maybe tomorrow when we wake up, you know, everything will be gone and we'll be right back where we started from. So, everybody tended to hurry into whatever they were doing. But as I said, after a couple of months it kind of evened out.

Q Well having been in the institution, are you having some sense about, as the lady said, before the game is being played for want of a better term, to what advantage or disadvantage do you see this kind of attitude, these kind of programs in the ultimate end, which is to turn a person back out in the street as a person who comes from that society? Can you draw any comparison about that for me before and aft?

A Sure, before in that -- in Muncy, it's the only women's institution in the state of Pennsylvania, was sort of a, you know, you would say it is quiet. If you ever visited the institution a couple of years ago, you know, you went back

you thought everything is all right. But, it was just a passive thing where everybody had sort of lost hope, you know. Well, you know that I have five to ten years and that is when I will probably get out, at the end of whatever my maximum date is, and you were sort of like in a limbo, you know. You just had to accept what was happening and you did it the best way you knew how.

Q Which was the course of least resistance?

A Sure. And so, you just sat around and you did what you were told to do, you know. And you just moved because you had to move. Whereas in this setting, if you don't want to move, then you don't. You know that you will receive some type of repercussion, but at least you are able to express yourself, you know, as far as what you feel is right and why you feel it is right. You have a chance to say exactly what you think, and I think that helps a lot, because not only is it good for you, I guess it's good for the administration because it gives a better evaluation of just who you are and what you are.

BY REPRESENTATIVE SCHEAFFER:

Q How do the correctional people and -- you have matrons there or correctional officers, or both?

A They are matrons, we call them officers.

Q Well how did they accept this change, I mean, they no doubt are still there and they have been working under the same program also?

A Well when I first arrived at Muncy I don't think there was an officer there.

BY REPRESENTATIVE WILT:

Q How long have you been at Muncy?

A Since 1969, July 1969. When I first arrived there, it was like, none of the officers were under 50. And so -- and they came out from, you know, these small country towns and they kind of associated us with the next door neighbors or the girls that lived across the street, or their own kids, who weren't from the type of settings we were from. And I think they didn't expect the kind of reaction that they, you know, came across, you know, our loudness, the cursing and what have you. And it sort of, you know, just scared them, made them up-tight and they didn't like it and so they shut us up, you know, and they had the authority to do it. Since the new administration has come in, several of these women have retired because of their age and the staff is, well, 30, 28, much younger. Some of the other officers who were there who have been there for 10 or 11 years, they seem to have adjusted to the situation, you know, as well as we have. I mean, they have

their gripes. They still have things that they don't like. But, you know, if they don't like them they will tell you or complain to the administration, but on the whole, they accept it pretty well.

BY REPRESENTATIVE HUTCHINSON:

Q Excuse me, you are going on the school release program, is that right?

A Yes.

Q Are you attending the Community College?

A Yes.

BY REPRESENTATIVE LEDERER.

Q How old are you?

A Twenty-two.

Q And how many -- was this your first arrest?

A Yes.

Q First arrest?

A Yes.

Q And you are sentenced to life, is that what I understand?

A Yes.

Q What they call life?

A Yes.



Q What do you think that means as far as the probability of being released at some future date?

A A month ago I might have said that my chances were maybe 20 years. Today, I'm a little bit more optimistic. I have watched the change in the prison systems and right now I am just at the point where I don't know whether this is a trend that will discontinue in a couple years. If so, then I'm not sure, you know, just what my position will be.

Q What is your vocation presently?

A I would like to be a dental hygienist.

BY REPRESENTATIVE WILT:

Q What is your motivation for going to school, why were you motivated to go to school with that long of a sentence hanging over your head?

A Well I guess you just -- I just started last September and in the three years previous to that, I had been incarcerated and the jobs that were there were limited and I didn't feel that they had anything to offer me. I felt that I could do a little better than that and so I decided that I would try.

Q But knowing again that the time you came in would pretty much coincide with the point which you say you gained a difference in attitude, did the difference in attitude motivate

you for your own self-development?

A Probably it gave me a certain amount of hope.

BY CHAIRMAN SCIRICA:

Q What if the Bureau of Corrections were to return to its old policy, with no furloughs and no school release or work release? What would be the attitude of yourself and what would be the attitude of some of your friends?

A Frankly, I have thought about that. Well, I just couldn't see anything or any reason to stay in an institution and I probably would try to leave.

BY REPRESENTATIVE WILT:

Q You mean escape, run away?

A Yes.

MISS REID: Would you care what happened to you?

MISS WIGGINS: Yes and no. But desperation is something that is kind of hard to explain and 20 years to me sounds no different than another 10 or another 20, so I probably wouldn't stay.

BY REPRESENTATIVE WILT:

Q Do you look upon yourself as a deterrent to someone on the street who might be prevented from whatever act it was that got you incarcerated? Do you look upon yourself as a

deterrent to the remainder of society for your conviction?

A No, in the first place, nobody ever sees me and so if people don't see --

Q But you did come out of a neighborhood I'm, I mean, somewhere.

MISS REID: We are also saying that she is serving a life sentence.

A There are a few people in school.

Q Excuse me, from the context which you came out, not the one which you are presently in.

CHAIRMAN SCIRICA: Your home.

MISS WIGGINS: Do I think it would be a deterrent?

BY REPRESENTATIVE WILT:

Q Yes, to what extent do you think that your being there with a life sentence on your head, with no possibility of getting out, is a deterrent to anybody on the street who might anticipate a life crime?

A None, because as I see it, they don't see me and, after awhile, you just forget and especially if you are not personally involved, you know --

Q I'm just reflecting on stuff the Judge told me this morning about why he sentenced people.

A I think everybody has a tendency to forget all the

ugly things and so --

MISS REID: If I might comment, this young woman made the paper four years ago all across the state with the headlines, which to spare her feelings I won't repeat, her name was all over it. None of you remember it.

CHAIRMAN SCIRICA: You are correct in that.

MISS REID: Some of you might be where she came from, you don't remember.

MISS WIGGINS: Maybe I should explain, you asked me was it a deterrent. In 1968, I robbed a bank here in Harrisburg and a man was killed.

BY REPRESENTATIVE KELLY:

Q I remember very well the case, but when you committed this act, did you think about the possibility of long-term incarceration?

A No -- I don't know, I guess --

Q Did you assume you were going to be caught?

A Nobody goes anywhere, at least to my knowledge or anybody that I have met since I have been incarcerated, believes that they will be caught.

BY REPRESENTATIVE WHITTLESEY:

Q If you were to be released, or back on the streets,

would the prospect of having to return to prison deter you from committing future crimes?

A Yes.

BY REPRESENTATIVE WHITTLESEY: (To Miss Distel)

Q Do you feel the same way? If you were released at the end of your period of incarceration, at the end of the three-year period, when you returned to your home community, would you be deterred from committing future crimes by the prospect of having to return to the institution?

A What would deter me would not be the prospect of having to return to the institution. If anything would deter me from not committing more crimes, it would be because I don't want it for myself. Not that they couldn't sentence me and I couldn't go back to jail and do the time, it would be that I myself have changed as a person and don't feel it is no longer necessary to do that.

BY REPRESENTATIVE LEDERER:

Q I had a group therapy session recently in a prison with a number of young men who were there for the same reason that you are in prison, but for much more serious possession. And they asked me, they have been asking me for about a year to notify our juvenile Judges that they would like to go back

to juvenile Court when juveniles are brought there on this type of charge for first offenders and sit down and talk to them and relate their experiences to these people. Do you think that would help these young people if people like you went out and spoke to them?

A Yes. You see, when I was on drugs people kept telling me they are wrong, they are bad, they will wreck your health, you will get strung out. But the people that were telling me had never done drugs. Granted, drugs are bad, but when a person goes out into the street and takes that first shot of heroin, he's not going to believe a word you're telling him because it is not really that bad. The feeling isn't that bad. If I would tell somebody that when he goes out and he's going to feel rotten and it is going to make him sick, I would be lying to him. If I went out and said, yeah, you know, that first hit will be nice, but when you start waking up in the morning and if you don't hit up you get sick where you can't walk or eat, that would be telling him the truth. Where I would have to -- where when you get to the point where you have to hit up drugs to be normal. You cannot expect someone to listen to you if what you are telling them you don't really know about yourself.

BY REPRESENTATIVE WHITTLESEY:

Q Would you, to change to another subject, would you have any criticism of the furlough program? Does it presently operate within Muncy?

A Yes.

Q What would be your criticism?

A In the furlough program and in other programs?

Q That require furlough status.

A That require furlough status, is that the lifers are left out. It has been proven that your lifer is supposedly, they say, everybody will say, your lifer is your good prisoner, your lifer is your most stable prisoner, but yet any Bills that have been passed, anything that has come out, it has always been with the exception of the lifer. And that's not the way it is. You can't put a person in jail and give them life and expect to forget them. It is impossible. They are human and they are people. And just because they have committed a crime, there have been 10 other people to that one person who have committed the same crime, which would be taking a person's life, but yet maybe because of the Judge or because of what was behind it, maybe they only got five to ten or maybe it was involuntary manslaughter.

Q In your experience, have you been aware of, or do you know personally of, any corruption within the prison with

regard to the granting of furlough status?

A Not that I know of.

Q Would you have any other criticism of the program regarding its administration within the prison, the way one person is selected and the way one person is not selected?

A No.

Q Do you think it is fair?

A As fair as it can be.

BY REPRESENTATIVE LEDERER:

Q In view of the fact that the police, by inference, were bird-dogging you, do you think a person in your type category who received their first furlough, if they would be wiser if they went for a visit to their home, have an adult with them most of the time?

A Have who with them?

Q Have an adult go with them, not an escort, a friend, to avoid the police coming and pounding on you. Obviously what happened in your case, they knew you were there and you were fair game.

MISS REID: Mr. Lederer, in deference, Karen is 21 years old and Sharon is 22 years old and we send women out who are 37 and 40 and 50 and the same thing can happen to any one of them.



REPRESENTATIVE LEDERER: Obviously as a defense lawyer they are setups and I am trying to find out if these people, assuming they are following the rule, should be protected against this unnecessary stopping.

MISS DISTEL: Why should we have to be protected? Why should it be us? We were sentenced to our time, we are doing our time, and we are paying for what we did. Why should we have to go back out into the same society that put us in jail and yet still be harassed for the same things? They say they'll give you time, you will go to jail, you do the time and it's over, but it is not. If you commit a crime, you pay for it in many different ways besides just being sent to jail. Society is the one that has to change its attitude towards residents, either in men's institutions or in the women's institutions. They have to recognize we are not convicts. We are human. The only difference is, we got caught.

MISS REID: I would like to add one thing and I don't want to really embarrass Sharon, but I will. I spent eight years in probation, both juvenile and adult probation, I worked in the City of Philadelphia. I can understand your problem so my credentials are those plus the fact that I used to go to Temple at night carrying a can of Dow oven cleaner in my pocket. That's my other credential for being interested in

the criminal justice system. I know that in many cases the difference between a life sentence is which year out of four it is, who the victim is, whether it's late in the day, who the District Attorney is, who the Judge is, and who the defense attorney is, whether it's a life sentence or murder or involuntary homicide. I will also say, and this is what will embarrass Sharon, Sharon is a remarkable person serving a life sentence in that most people serving life sentences find the strain of doing anything that has implications that I will get out more than they can bear. The strain of serving a life sentence with the hope that you might get out is enough to drive people crazy. Normally, you cannot offer a lot of treatment to a person serving a life sentence because it is meaningless. The way you serve a life sentence is, you come in and, after the initial rage or depression, whatever, however you handle it, what you do is you go on automatic pilot for eight years, 27 years, 30 years, whatever. So, you will find very few life sentence people doing something like Sharon, which is actively pursuing something that says, maybe I'll get out and I want to be ready.

I think I can attribute that to two things, one of which is Sharon, and the other is the fact some of these programs do give her some reason to hope and, as she has told you, it is hard and if that hope goes away, she does not know what

she will do.

MR. MURPHY: In the interest of time, kind of rehashing two things that have been going through my mind, during the course of the day people have been talking about system of checks and balances in corrections, and a great, great need to have these things. There seems to be many paranoid sectors of the criminal justice system and I think one of the things they overlook totally is the fact that there are professional people working in the correction system making good, sound, professional judgments. And the fact that some of the judgments that they make are erroneous, it is not the end of the world and in fact, as was pointed out a little earlier, can be excellent treatment tools. Because somebody fails, you then have something to work with and I don't mean the failure of the original offender, the failure of returning from furlough, the failure of coming back late, or coming back with dirty urine samples, or with whatever, it is something for the professional people to work with. It is very difficult to explain to the citizenry and the judiciary the fact that if somebody walks away from the institution or fails to return from a furlough, it is not always bad.

MISS REID: It's bad, but not the end of the world.

MR. MURPHY: If we can reach the person in some other way through that, it could end up in fact being a good

tning and again going back and reiterating, it is professional judgment. We are not bleeding-heart liberals seeing how many people we can put onto the street. The judgments are made by more than one professional person at any one time for any one of the pre-release settings. And in fact the public is always considered as to people who are being put on pre-release status.

BY CHAIRMAN SCIRICA:

Q Mr. Murphy, are you satisfied with the complement that you now have on treatment personnel? Do you feel that you need more people in order to do the job?

A. Right now with our present population I would say that we are satisfied minimally. When I went to the institution two years ago, they had one counselor and one trainee for 180 women. They have 170 women right now. We have five counselors. I think the ratio there is good. We have a part-time psychologist and we have Miss Reid, who is the Deputy for Treatment Services. With the present population we can amply run our treatment department. The exception of the treatment department that we are having our problems with are the out programs which are beginning now, school programs, school release programs, and the work release programs and the furlough release programs which is becoming much more complicated because of the demands on time and paper build-up that is now being demanded.

MISS REID: One furlough takes this much paper (indicating).

MR. MURPHY: But as I said, we meet minimum demands on the personnel we have now. The population of our institution will probably rise and then we will be short personnel. What we need is supplementary personnel for driving of buses and the setting up of work release programs on the outside in monetary

BY REPRESENTATIVE HUTCHINSON: (To Miss Reid)

Q Excuse me, you say you have a part-time psychologist, how much time does that psychologist spend?

A Twenty hours a week.

Q Twenty?

A Twenty.

MR. MURPHY: Half a pay period.

REPRESENTATIVE HUTCHINSON: Beg pardon?

MR. MURPHY: Half a pay period.

BY REPRESENTATIVE HUTCHINSON: (To Miss Reid)

Q What do you do for psychiatrics?

A We have two part-time psychiatrists.

Q And how much time -- they are on a call basis I suppose?

A No, I'm trying to think ahead.

MR. MURPHY: One man comes in two -- one to two mornings a month and he does what we call, on-going psychiatric care for people who we feel need to be seen every month. Another one comes in two afternoons a week.

REPRESENTATIVE HUTCHINSON: Sharon, you said that if you wanted to talk to your counselor when you had problems, I think it was you that said it --

MISS REID: Karen did.

REPRESENTATIVE HUTCHINSON: Karen did, that's right. That you could put in a request, how long does it take to get a response to that?

MISS DISTEL: It depends on who the counselor is.

BY REPRESENTATIVE HUTCHINSON: (To Miss Distel)

Q Okay, if you can, can you give me the minimum of the least amount of time it would take, and maybe the most.

A The least amount of time is a couple of days. The maximum amount of time could be, you may have to put in another request slip. Most -- let me put it this way, the majority of the counselors, except for a few exceptions, usually answer their request slips pretty promptly.

MR. MURPHY: A qualification, of the five counselors we have, three of them are new and have not -- two of them haven't been in the institution for two months, another one less

than six months, the other two for a year, year and a half.

MISS REID: Plus emergencies by and large are gotten to that day, or at least information gathering is begun that day. So that if somebody really has an emergency, even though he might not be able -- I think one of the things that is very frustrating to a resident is when someone would come up and stop you, you would have to be at our institution to understand it, we are very open, we all eat together. So you can get grabbed on the way to the bathroom or to eat or to your office or whatever, and it is very frustrating for a resident to have her explain a problem to you on your way to some place and get, I can't see you now. You might very well be following up, but because you don't have the time to sit down with her, you know, it is easy -- it is exceedingly easy to feel that someone is doing nothing. That is understandable.

BY REPRESENTATIVE KELLY: (To Mr. Murphy)

Q Are all of your counselor positions allotted filled?

A. Yes. And another point of interest, and I think it would become more apparent as this Committee and other correctional penal committees in the state gather their facts and begin to study them, is that continually we are told by other personnel, not necessarily within the Bureau, that we are equated with places like Graterford and Dallas and Pittsburgh

and wherever they are over-crowded and you are really lucky to have this type of a staff-resident ratio. And we cannot deal with that at all, other than to say, don't equate us with something that doesn't work. That is a ridiculous equation with something that doesn't work. We say we are working and we are minimally staffed and we are making it work.

Q What is the turnover of counselors?

A In our institution we don't have any turnover.

Q You said that you got two new ones.

MISS REID: That was because we got them -- we at this point, we are -- you are going to get if you were to go through our institution, you would get much fewer, not that you wouldn't get it, but you would get much fewer negative comments about the institution than you would in any of the men's institutions. You would get much more of a positive feedback from the residents, not to say that it would be overwhelming you, you would feel something different. Now, if you were our traditional visitor, you would walk out of there saying, well that is because they are women. That is not true. Women can be just as aggressive and angry and acting out as men. The reason is because of our physical plant, we think that what we are doing is good. This is not to criticize Graterford or Western because those people are like people, you know, being



criticized because they can't walk on water. There is just no way. The treatment program that the Bureau is promulgating is a very good one. We all think here it is the one that works. But you can't, for instance, at a place like Graterford or Western, you cannot expect a nickle spent to do \$5 of work. It just doesn't happen.

BY CHAIRMAN SCIRICA: (To Miss Reid)

Q How many more counselors would you like to have at Muncy?

A Right now I don't want more counselors. I want people to help me to begin to develop the out program because we will never be able to afford -- you never even asked us about the kinds of programs we have in the institution. We would have told you virtually nothing, with the exception of education, because the state never spent money on state institutions for women. We don't feel that the answer is to bring every kind of education into the institution, because that is assuming crime and correction is a prison problem when in fact it is a community problem. What we need right now are people to help us to begin to explain to our local community who we are, what we are doing, begin to develop not work release programs as though they are a panacea because they are not, it can be a very cheap way of looking to it, but work training programs.

Q Outside of the institution?

A Outside of the institution more kinds of educational release programs. Right now we do it. We are lucky, we have Sharon and four or five other women who are just ready. We do not have to do a lot of work. We are thrice blessed, but we really wanted to do it for all the women that we have in the institution. We are going to need people who are going to coordinate this, to set it up, to act as a liaison. We don't have those people. We don't have that skill, that is a skill, a specific skill, we don't have that. We need it.

BY REPRESENTATIVE WHITTLESEY:

Q You mean you have other people, for example, Sharon is studying dental hygienics, you have other people who could benefit from such a program?

A Oh yes, we have people who could benefit from carpentry. We have people who could benefit from -- it seems to me the institution used to have IBM key punch, power machine operating, which is primarily uniforms for the Bureau, accounting for Correctional Industries, and Correctional Industries is fine, sort of like the Bed of Procrustes, that everybody coming into the institution should fit those vocations because that is what we have there. When in fact, you know, we have many, many talents and will never, ever be able to

afford to bring them all into the institution. And they are all out there in the community if we could convince the community it is to their benefit financially to help us.

MISS DISTEL: One of the things that happens at Muncy is, there are programs partially started but there is never enough money into them that the girls can actually benefit. Okay, Correctional Industries has accounting which is a good job and it is good training. It is one job with one person. There are a lot of girls, a lot of women in the institution that have, you know, the ability or would want the ability. You say people talk about when people go to jail they should get rehabilitation, you know, so that they can go back in and be what society calls adjusted to their type of thing. But it seems like whenever something happens, like the work release program, it started in the men's institution. It started in the men's counties, it is not with the women. It seems that Muncy has a population of a hundred and seventy-some, one way or the other. It seems more logical to me at least that if a program was to be started that it would work better at Muncy because of the facilities, because of the advancement Muncy has already made due to the fact that we are not a closed-in institution where everybody is locked in or everybody is escorted. We are halfway there. But they don't seem to be able to grant us --

put the money into it to take us the rest of the way with our training.

MISS REID: What she is saying is, we think we are pretty good. We think we could show you. We think we could prove what the Bureau is defending because of our physical setup and our size, given a chance. We think these two ladies are a beginning right here, and they are not the best we have. We could have picked anyone of 40 or 50 who would have been as articulate and as feeling and could have touched you the same way.

BY REPRESENTATIVE WILT: (To Miss Wiggins)

Q Is that kind of facility in Pittsburgh?

A You seem to miss the point, you know, community base has been started almost two years now and not one woman has been, you know, they built these facilities and the legislature passed a law saying that community base would be allocated to women and there is not one woman who has ever seen a community-based treatment center, other than these private drug centers or P.P.W.O., they just never, when they laid the building out, they forgot to put rooms in for women.

MR. MURPHY: Most of the buildings are rented buildings. The projection now for Pittsburgh for community-base treatment for women is somewhere around nine months from now.

MISS REID: I translate a year.

MR. MURPHY: That is just a guess, because nine months ago -- the Philly center evidently is much more reality now. They have a building and they have a staff and they haven't any furniture and they were supposed to open the first of January. We wait by the day for word the center there will be open.

MISS REID: May I belabor a point. I have never been before all of you before. Do you realize in a women's institution that there are approximately two times as many heads of households as there are in men's institutions? Okay, there are approximately 17,000 women in prison in the country and there are approximately 200, and I don't know what the statistics are, men in prison in the country. But look who you are salvaging when you salvage a woman, two-thirds of our women have children. It is terribly important to do the right thing by women. It is more important in some ways by a geometric progression of the people that they influence than men. I am not saying women are more important, but because they are mothers. It is a very important thing.

REPRESENTATIVE LEDERER: I would appreciate if the Chairman would consider asking the Chairman of the Judiciary Committee, Representative Spencer, to invite people, Mr. Murphy

and his staff and some of these young ladies back to appear before the full Committee at an appropriate date. They stress a very important thing. It just happens they are last on the calendar and they are last in our appreciation for allocations of money and she makes the strongest point and I think if you would consider that at the appropriate time you would have cohorts that would join with you.

MISS REID: Bless you.

CHAIRMAN SCIRICA: We will set it up. Are there any more questions?

(No response)

CHAIRMAN SCIRICA: Thank you very much Mr. Murphy, Miss Reid, Miss Wiggins, Karen, I'm sorry I forgot your last name, thank you very much for appearing.

(The hearing was closed at 5:00 P.M.)

I hereby certify that the proceedings and evidence taken by me in the within matter are fully and accurately indicated in my notes and that this is a true and correct transcript of same.



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